

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1980

HELD IN THE CITY OF MONTGOMERY,
COMMENCING TUESDAY, FEBRUARY 5, 1980



Vol. 2

WITH AN INDEX PREPARED BY THE
CLERK OF THE HOUSE

Brown Printing Company
Printers—Binders
Montgomery, Alabama

JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
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OF 1980

TWENTY-SECOND DAY

House of Representatives
Montgomery, Alabama
Tuesday, April 15, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Jack Noble, Minister Northside Independent Methodist Church, Dothan, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson, (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-first legislative day and finds the same to be correct.

LEIGH PEGUES,
Acting Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the twenty-first legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-first legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 192. RENAMING THE BOARD OF CORRECTIONS MANAGEMENT AND PERFORMANCE EVALUATION COMMITTEE THE JOINT PRISON COMMITTEE.

Also:

H. J. R. 193. CONGRATULATING MISS LAURA ANN RICE, ALABAMA'S 1980 "MAID OF COTTON."

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 194. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Tuesday, April 15, 1980, we adjourn to meet again on Thursday, April 17, 1980, at 10:00 A.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 194, was adopted.

Also:

By Rep. Warren:

H. R. 195. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the hour of 11:45 A.M. arrives today, Tuesday, April 15, 1980, the House shall stand in recess until 1:30 P.M.

On motion of Rep. Warren, the rules were suspended and the resolution, H. R. 195, was adopted.

Also:

By Rules Committee:

H. R. 196. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business April 15, 1980, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Rep. Owens:

H. 532. p. 72 Education Budget

By Rep. Owens:

H. 572. p. 73 Salary increase for all certified employees and full-time support personnel in education system

By Rep. Smith (J):

H. 161. p. 12 Airport Authorities

By Rep. Smith (M):

H. 576. p. 29 Capitol security police officers

By Rep. Bedsole:

H. 42. p. 86 Non resident aliens to report owned or leased land

By Rep. Lewis:

H. 384. p. 51 Issuance of motor vehicle license plates

By Rep. Sasser:

H. 198. p. 56 Alcohol manufactured for use in internal combustion engines

By Rep. Grouby:

H. 164. p. 58 Re-opening Retirement System of Alabama

By Rep. Adams (C):

H. 459. p. 22 Regulation of extensions of credit

By Rep. Carothers:

H. 586. p. 51 Auctioneers, licensing

By Rep. Sasser:

H. 201. p. 9 Jury strike system

By Rep. Sasser:

H. 202. p. 9 Jury strike system

By Rep. Owens:

H. 432. p. 27 Civil Air Patrol vehicles

By Rep. Smith (C):

H. 669. p. 68 Minimum of 75 days, first four scholastic months

By Rep. Adams (C):

H. 460. p. 22 Savings and Loan Associations, rate of interest

By Rep. Cates:

H. 355. p. 8 School boards to transfer within line items.

By Rep. Riddick:

H. 421. p. 57 Circuit and District Court, fees of service of process

By Rep. Smith (J):

H. 509. p. 47 Relating to parole of certain inmates

By Rep. Payne:

H. 261. p. 25 Salaries, Chief & Ass't Chief Examiner of Public Accounts

By Rep. Kelley:

H. 558. p. 48 Ala. Housing Finance Authority

By Rep. Lewis:

H. 4. p. 34 Public housing accommodations

By Rep. Lewis:

H. 671. p. 84 Soybean promotion

By Rep. McKee:

H. 170. p. 25 State nurseries, forest tree seed and seedlings

By Mr. Proctor:

S. 15. p. 75 Controlled substances

By Rep. Adams (C):

H. 701. p. 61 Federal Aid Highway Finance Authority

By Rep. Adams (C):

H. 702. p. 62 Equipment Replacement Surplus Reserve Account or Fund

By Rep. Payne:

H. 505. p. 55 Competitive bidding, medical clinics

By Rep. Biddle:

H. 453. p. 88 Compensation for sheriffs

By Rep. Bowling:

H. 466. p. 36 Certain public assistance recipients

By Rep. Boles:

H. 417. p. 54 Classified merit or civil service positions

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By Rep. Bennett:

H. 19. p. 17 Election officers

By Rep. Dixon:

H. 666. p. 99 Prohibits payments, ADC unwed mothers

By Rep. Drinkard:

H. 768. p. 83 State banking corporations

By Rep. Stewart:

H. 530. p. 55 Prohibit trains from entering area due to weather conditions

By Rep. Smith (M):

H. 577. p. 53 Capitol security police officers

By Rep. Venable:

H. 622. p. 69 Absentee voting

By Mr. Gullede:

S. 44. p. 44 Qualifications for county engineers

By Rep. Kelley:

H. 518. p. 66 Escrow accounts, administration of investments

By Rep. Zoghby:

H. 498. p. 43 Streets or alleys, land being vacated

By Rep. Greer:

H. 545. p. 57 Prisoners of war, special license plates

By Rep. Cabaniss:

H. 178. p. 14 Annual list of insurance agents and insurers, publication

By Rep. Mitchell:

H. 300. p. 53 Office of State Toxicologist

By Rep. Barton:

H. 709. p. 59 Tax assessors and/or tax collectors, fees

By Rep. Biddle:

H. 747. p. 63 Public Water supply systems

By Rep. Bowling:

H. 745. p. 64 Miniature containers for alcoholic beverages

By Rep. Bedsole:

H. 259. p. 16 Local board of education, filling vacancy

By Rep. Dixon:

H. 316. p. 20 Relating to Medical Clinic Boards

By Rep. Stout:

H. 250. p. 14 Firefighters, minimum standards

By Rep. Gafford:

H. 867. p. 101 Lending Institutions

By Rep. Owens:

H. 428. p. 26 County Commissions

By Rep. Dial:

H. 388. p. 64 Medical treatment, indigent patients

By Mr. Teague:

S. 110. p. 89 Motor vehicle safety responsibility

By Mr. Teague:

S. 111. p. 87 County Commissions, composition

By Mr. Teague:

S. 323. p. 68 Fishing, wire baskets and fish boxes

By Rep. Patton:

H. 863. p. 97 Police officers for State Youth Service

By Rep. Letson:

H. 762. p. 85 Minimum weights of certain commodities

By Rep. Whatley:

H. 634. p. 84 Issuance of fees and insurance, public warehouses

By Rep. Cobb:

H. 713. p. 92 Dept. of Examiners of Public Accounts

By Rep. Kennedy:

H. 668. p. 48 Increase fines for defacing cemeteries

By Rep. Ford:

H. 861. p. 102 Distinctive plates for Medal of Honor winners

On motion of Rep. Pegues, the resolution, H. R. 196, was adopted.

BILLS ON SECOND READING

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 242. To make an additional appropriation for salaries and other expenses for the use of the legislature for the fiscal year ending September 30, 1980.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 801. Relating to Marshall County; providing for an additional allowance for election officials who work at polling places.

H. 848. To alter or rearrange the boundary lines of the Town of Douglas, Marshall County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

H. 938. Relating to Bibb County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

H. 939. Relating to Bibb County, to provide further for taxing and collecting of certain additional court costs for district and circuit court cases, and to deposit such costs to the county general fund for jail and courtroom facilities.

H. 940. Relating to Bibb County; providing that the expense allowances of the county governing body provided for by Act No. 79-378, H. 868, 1979 Regular Session (Acts 1979, p. 600), shall be paid from the gasoline tax fund allocated to the county.

H. 941. Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

H. 942. Relating to Bibb County; providing an additional expense allowance for the secretary of the board of Equalization.

H. 943. Relating to Bibb County; providing an additional expense allowance for the county superintendent of education which shall be in lieu of the dwelling now furnished to said superintendent; and to make the expense allowance provision of this act retroactive.

H. 947. Relating to Blount County; further providing for the costs and charges in criminal proceedings in any court of the county and repealing Act No. 406, H. 132, Regular Session 1975 (Acts 1975, p. 1005).

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 953. (With Amendment): To extend, alter, and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 440. To provide that the City of Prichard shall be divided into five districts by the Probate Judge of Mobile County, and he shall certify the boundaries of the same to the Prichard City Council; and the members of the

Prichard Council shall be elected by districts with one member being elected by each district and each council member shall be a resident of the district from which he is elected; and this Act shall be effective for the municipal election in 1980 and thereafter; and to provide for redistricting after each future federal census.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Pegues, Acting Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 128. COMMENDING DEAN KATHARINE C. CATER FOR LOYALTY AND DEVOTION TO AUBURN UNIVERSITY.

On motion of Rep. Pegues, the resolution, S. J. R. 128, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Pegues, Acting Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report, with amendment:

S. J. R. 109. CHANGING THE NAME OF OLD JIM WILLIAMS ROAD IN MADISON COUNTY TO JIM WILLIAMS ROAD.

Said amendment being as follows:

Amend S. J. R. 109, Line 2 of the Second Paragraph, after the word "Commission" by striking is and inserting in lieu thereof are.

On motion of Rep. Pegues, the amendment was adopted. And the resolution, S. J. R. 109 as amended, was adopted.

Also:

H. J. R. 187. CREATING A SELECT JOINT INTERIM COMMITTEE FOR THE PURPOSE OF INVESTIGATING THE MANAGEMENT OF ALL STATE FUNDS.

Said amendment being as follows:

Amend H. J. R. 187, Page 2, Line 14 after the period by adding the following sentence:

Expenditures of this Committee are limited to \$10,000 per year.

On motion of Rep. Pegues, the amendment was adopted. And the resolution, H. J. R. 187 as amended, was adopted.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Mitchell:

H. J. R. 197. URGING THE ATTORNEY GENERAL AND ALL DISTRICT ATTORNEYS IN ALABAMA TO ENFORCE SECTION 13A-11-12 OF THE CODE OF ALABAMA 1975, AS AMENDED, WITH REGARD TO DESTRUCTION OR DEFACEMENT OF A TOMBSTONE OR OTHER MONUMENT OF THE DEAD.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call to the attention of the Attorney General and all District Attorneys of Alabama that destruction or defacement of a tombstone or other monument of the dead is in violation of Section 13a-11-12 of the Code of Alabama 1975, as amended.

BE IT FURTHER RESOLVED, That we respectfully urge the Attorney General and all District Attorneys in Alabama to prosecute to the fullest all individuals charged with such violations which are punishable in Alabama as a Class A Misdemeanor.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Attorney General of Alabama, with a copy also to each District Attorney in this State, that they may at once take steps to comply with this request.

On motion of Rep. Mitchell, the rules were suspended and the resolution, H. J. R. 197, was adopted.

Also:

By Reps. Parker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (Y), Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 198. MOURNING THE TRAGIC DEATH OF OFFICER JOHN WARD DOTSON OF CHICKASAW, ALABAMA.

WHEREAS, the Legislature of Alabama has been deeply shocked and saddened by the tragic death of Officer John Ward Dotson of Chickasaw, Alabama, on April 8, 1980, at the age of just 26 years; and

WHEREAS, Officer Dotson was shot and killed in the line of duty as a member of the Chickasaw Police Department, his young life tragically ended as well as his potentially outstanding career as an officer of the law who was described by his Chief and fellow officers as dedicated, courageous and thoroughly committed to the protection of life and property of his fellowman; and

WHEREAS, a former volunteer with the Chickasaw Auxiliary Police Force, John Ward Dotson was also a longtime member of the Chickasaw First Baptist Church; and

WHEREAS, Officer Dotson, who had lived in Chickasaw since his adoption at the age of seven, is survived by his wife, Alisa, who is shortly expecting their first child; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Officer John Ward Dotson of Chickasaw, Alabama, and express our deepest sympathy to all his family.

BE IT FURTHER RESOLVED, That in evidence of our shared sorrow, a copy of this resolution be sent to Mrs. Dotson and other family members, with a copy also provided for Officer Dotson's unborn child who will later know of our deep respect and regard for a courageous police officer and a loving husband and father.

On motion of Rep. Parker, the rules were suspended and the resolution, H. J. R. 198, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Manley and Pegues (With Notice and Proof):

H. 954. Relating to Marengo County; providing for an additional allowance for election officials who work at polling places.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 954, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Manley and Pegues (With Notice and Proof):

H. 955. Relating to Marengo County; providing for an expense allowance for members of the Board of Education and repealing Act No. 212, H. 591, 1957 Regular Session, (Acts 1957, p. 269).

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 955, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Manley and Pegues (With Notice and Proof):

H. 956. Relating to Marengo County; providing further for the expense allowance and mileage for the chairman and members of the county board of equalization; providing such payments shall be payable from state and local funds as provided by law; and giving the provisions of the Act retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 956, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Manley and Pegues:

H. 957. To repeal Act No. 355, H. 896 of the 969 Special Session (Acts 1969, Vol I, p. 728), entitled, "An Act To apply only in counties having populations of not less than 27,000 nor more than 30,000; providing expense allowances for members of the county board of equalization payable from the general funds of the county; and giving the act retroactive effect."

Local Legislation No. 1.

By Rep. Owens:

H. 958. To further amend Section 40-18-15, Code of Alabama 1975 to eliminate as a deduction the taxes levied by the United States under the Federal Insurance Compensation Act and the Self-Employment Contributions Act.

Ways and Means.

By Rep. Owens:

H. 959. To amend Section 40-23-35, Code of Alabama 1975, as amended, to require the commissioner of revenue to certify by June 30 of each year the amount of sales tax to be distributed to the state general fund, such amount being equal to the amount collected under H. B. 958 of the 1980 Regular Legislative Session.

Ways and Means.

By Rep. Grimsley (With Notice and Proof):

H. 960. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Cowarts, in Houston County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 960, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Cooley, Whatley, Letson and Bowling:

H. 961. To amend further § 2-7-31 Code of Alabama 1975 which relates to prizes and premium awards at agricultural fairs so as to increase the maximum amount authorized to be paid to the members of the Special Awards Committee for Fairs for per diem and travel allowance in any fiscal year.

Agriculture and Forestry.

By Reps. Langford, Wyatt, Dixon and McKee (With Notice and Proof):

H. 962. Relating to the City of Montgomery in Montgomery County; to authorize the City of Montgomery to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within such city, to be a public nuisance; to abate or cause to be abated the same; and, to create a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating same.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 962, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. McCorquodale (With Notice and Proof):

H. 963. Relating to Clarke County; providing an additional expense allowance for the tax collector and tax assessor of the county, as set by the county commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 963, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harrison (With Notice and Proof):

H. 964. To amend Sections 7, 8 and 9, Article VI of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951, as heretofore amended by Act No. 272 of the Regular Session of the Legislature of Alabama of 1973, approved September 8, 1975 (Acts 1972, pages 2124, et seq.), which act, as amended, creates and provides a retirement and relief system for officers and employees of each city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 964, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Langford, McKee and Wyatt:

H. 965. To provide for and set penalties for anyone threatening death or bodily harm to any elected or constitutional official of the State of Alabama or any elected official of any municipal, county, or political subdivision thereof, or conspiring with another to threaten death or bodily harm to any elected or constitutional official of the State of Alabama.

Judiciary.

By Rep. Gilmer (With Notice and Proof):

H. 966. Relating to Fayette County; giving the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individuals or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 966, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Cooley and Bowling (With Notice and Proof):

H. 967. To amend and re-enact Act No. 79-574, H. 995, 1979 Regular Session (Acts 1979, p. 1022), entitled, "An Act Relating to Cullman County; to establish a county personnel board; to provide for the appointment, and compensation of the members; and to provide for the powers, duties and authority of the personnel board in the personnel administration of the county," to provide further for said personnel board.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 967, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Cooley and Bowling (With Notice and Proof):

H. 968. To provide for increased revenue for roads and bridges in Cullman County in the event no state general bill becomes effective for such purpose by defining the circumstances under which the Cullman County Commission shall be authorized to levy and provide for the collection of an additional tax of not more than two cents on motor fuels and to provide for distribution and use of the proceeds from the tax.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 968, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Cooley (With Notice and Proof):

H. 969. Relating to Cullman County: to amend Act No. 896, Regular Session, 1978. To further provide for the distribution and expenditure of any payments coming into the treasury of Cullman County that are derived, directly or indirectly, from payments by the Tennessee Valley Authority in lieu of the payment of ad valorem taxes so as to provide for funds for schools.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 969, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Cooley and Bowling (With Notice and Proof):

H. 970. To amend further Act No. 1247, H. 1642, Regular Session 1971 (Acts 1971, p. 2147), relating to the issuance of pistol permits in Cullman County so as to correct a Code citation in such act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 970, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harvey (With Notice and Proof):

H. 971. To authorize the Blount County Commission to establish and maintain a contingent fund to be used for such purposes as the county commission deems appropriate; and to prescribe the maximum amount that may be appropriated for such fund in the fiscal year ending September 30, 1980 and in subsequent fiscal years.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 971, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Letson (With Notice and proof):

H. 972. Relating to Lawrence County; to allow the use of dogs and/or buck shot in shotguns in deer hunting outside of wildlife management hunting areas, or on certain privately owned land lying inside wildlife management hunting areas.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 972, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Letson (With Notice and Proof):

H. 973. Relating to Lawrence County; to abolish the office of license inspector; to place the powers, duties and functions of said office in the county commission of said county; to provide for the disposition of fees accruing from the performance of the duties of license inspectors; and to provide for the employees to carry out this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 973, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Letson (With Notice and Proof):

H. 974. Relating to Lawrence County; providing for an additional allowance for election officials who work at polling places.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 974, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Letson (With Notice and Proof):

H. 975. Relating to Lawrence County; to authorize the county commission to hire an appraiser to conduct ad valorem tax appraisal work on behalf of the tax assessor's office.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 975, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Ray:

H. 976. To amend Sections 34-2-32 and 34-2-37 of the Code of Alabama 1975, which relate to the regulation of the practice of architecture, so as to provide further for certain exemptions from the provisions of Article 2, Title 34 and to further regulate the practice of architecture by partnerships or corporations.

State Administration.

By Rep. Shavers (With Notice and Proof):

H. 977. Relating to Jackson County; to allow the county commission to contribute a certain amount of public funds to certain rescue squads in the county and to establish a county board of directors to qualify such squads to receive such contributions.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 977, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Warren and McCorquodale (With Notice and Proof):

H. 978. Relating to Monroe County; amending Act No. 1830, H. 2479, 1971 Regular Session (Acts 1971, p. 2996) entitled "An Act To provide for the compensation of the chief clerk of the judge of probate in Monroe County," so as to increase said compensation.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 978, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Laird, Ward, Turnham and Harper (O) (With Notice and Proof):

H. 979. To regulate the registration and identification of certain mobile homes in Chambers County and to prescribe penalties for violation of the provisions of this Act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 979, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bedsole (With Notice and Proof):

H. 980. To direct the Mobile County Public School System to establish and maintain public kindergarten programs as an integral part of the public schools in Mobile County to provide for a phase-in of kindergartens, to provide for twenty-five (25) additional teacher units for kindergarten classes to be added each year beginning with the school year 1981-82 until the kindergarten program is fully implemented, and to provide an appropriation from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1981.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 980, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Adams (H) (With Notice and Proof):

H. 981. Relating to Cherokee County; providing salaries for the Chairman and associate members of the Cherokee County Commission; providing for travel allowance for out of County travel for all members of the County governing body; and repealing Act No. 523 and Act No. 664 of the 1976 Regular Session.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 981, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Adams (H) (With Notice and Proof):

H. 982. Relating to Cherokee County; to provide further for the expense allowance and compensation of certain county officers.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 982, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 983. To alter or rearrange the boundary lines of the Town of Creola, Mobile County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 983, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Venable:

H. 984. Relating to elections; providing that no political party, except those parties qualified under Title 17, Chapter 16 of the Code of Alabama 1975, shall be included on any general election ballot unless the party shall have filed with the secretary of state at least 120 days prior to any such general election a list of the signatures of at least one-fourth of one percent of the electors of the state, district, county or other political subdivision in which the political party seeks to qualify candidates for office, and unless the party shall have fulfilled all other applicable requirements of federal, state or local laws.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Rep. Waggoner:

H. 985. To amend Section 41-9-450 of the Code of Alabama 1975, relating to the Sports Hall of Fame Board, so as to further provide for membership on the board.

Ways and Means.

By Rep. Roberts (With Notice and Proof):

H. 986. Relating to the 8th Judicial Circuit; to provide an additional expense allowance to each court reporter.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 986, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Roberts (With Notice and Proof):

H. 987. Relating to Morgan County; providing further for the salaries of the chairman and members of the county commission, effective after the present term.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 987, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Smith (J) (With Notice and Proof):

H. 988. To Amend Act Number 940, H. 1956, 1973 Regular Session (1973 Acts. p. 1445) entitled "An Act Relating to Madison County and the Twenty-third Judicial Circuit; pertaining to Solicitor's or District Attorney's Fund" so as to further regulate the distribution of such fund.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 988, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Smith (J) (With Notice and Proof):

H. 989. Relating to Madison County, authorizing the Madison County Commission to levy and impose by ordinance, for one year, a privilege or license tax upon the sale of spiritous or vinous liquors in Madison County, providing for the collection, distribution and disposition of the proceeds of said tax; prescribing penalties for violations of the Act; to provide for the disposition of the revenue raised by said tax; and repealing conflicting laws.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 989, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Smith (J) (With Notice and Proof):

H. 990. Relating to Madison County; increasing the members of the Huntsville-Madison County Mental Health Board and providing for their appointment.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 990, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Sandusky (With Notice and Proof):

H. 991. To set a penalty of a one thousand dollar fine and a six month term in jail for any person convicted of unlawfully possessing a firearm in Mobile County.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 991, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Sandusky (With Notice and Proof):

H. 992. To authorize, provide for, and regulate the furnishing of office space and secretarial assistants to the legislative delegation in Mobile County.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 992, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Patton (With Notice and Proof):

H. 993. Relating to Morgan County; to amend Section 1 of Act No. 733, S. 811, Regular Session 1977 (Acts 1977, p. 1279) which regulates the compensation of the members of the county board of registrars, so as to provide further for such compensation.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 993, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Patton (With Notice and Proof):

H. 994. Relating to Morgan County; to provide for the mailing addresses of the grantors and grantees to appear on all conveyances of real property recorded in the probate office of such county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 994, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Letson (With Notice and Proof):

H. 995. To amend Act No. 119, H. 24, of the Special Session of 1967 (Acts of 1967, Vol. 1, p. 186), which relates to the government of Lawrence County and, establishes the court of county commissioners of such county, so as to bring the designation of the county governing body into line with the general law; to provide for the election of a chairman of the commission to serve in lieu of the judge of probate serving ex officio; and to prescribe the time for election of all members of the commission, including the chairman, and to prescribe the term of office of such members, including the chairman.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 995, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Starkey (With Notice and Proof):

H. 996. To repeal Act No. 2459, H. B. 2838, approved October 1, 1971.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 996, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper (T) (With Notice and Proof):

H. 997. To apply to Mobile County and require only gas districts organized and incorporated by a municipality to pay interest on deposits paid by customers situated within the territory served by such gas district.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 997, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper (T) (With Notice and Proof):

H. 998. To establish the norms for eligibility for seats on any municipal utility board as well as the right to bid on contracts with the board.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 998, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Adams (H) (With Notice and Proof):

H. 999. Relating to Cherokee County; to provide an expense allowance for the coroner, and to provide that such allowance shall convert to a salary increase beginning with the next term of office of the coroner.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 999, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. McMillan:

H. 1000. To amend section 34-24-230 of the Code of Alabama 1975 relating to definitions as used in the regulation of podiatry, so as to amend further certain definitions.

State Administration.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 192. RENAMING THE BOARD OF CORRECTIONS MANAGEMENT AND PERFORMANCE EVALUATION COMMITTEE THE JOINT PRISON COMMITTEE.

Also:

H. J. R. 193. CONGRATULATING MISS LAURA ANN RICE, ALABAMA'S 1980 "MAID OF COTTON."

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Reps. Venable and Grouby:

H. J. R. 199. CREATING THE ELMORE COUNTY FIRE DISTRICT STUDY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Elmore County Fire District Study Commission for the purpose of considering a plan to create fire districts within Elmore County. The Commission shall consider the feasibility of establishing fire districts within said county or other alternatives to providing adequate fire protection to all residents of said county.

BE IT FURTHER RESOLVED, That membership of the Commission shall be composed as follows: One member from each duly organized volunteer fire department in the county, including those fully or partially funded by municipalities; one public member from each county commission district to be appointed by the County Commission; the county forest ranger; and the county civil defense director who shall serve as secretary of the commission. At its first meeting, to be called by the secretary within 30 days of the date of this act, the Commission shall select a chairman, vice chairman and other officers it may deem necessary from among its members. An original member who is unable to attend a meeting may designate an alternate who may act in that member's place. Members shall serve without pay or expenses.

BE IT FURTHER RESOLVED, That the commission shall report its findings, conclusions and recommendations to the Elmore County governing body and to the Elmore County legislative delegation not later than January 1, 1981, whereupon the commission shall be dissolved unless extended by resolution of the county governing body.

RESOLVED FURTHER, That copies of this resolution shall be sent to each member of the county governing body and to the Elmore County legislative delegation.

The resolution, H. J. R. 199, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Vacca:

S. 188. To amend Section 8-8-5, Code of Alabama 1975, which relates to certain loans to which the usury laws do not apply, so as to alter the minimum principal balance of such loans.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 188. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Clemon:

S. 342. To amend Section 16-7-2 and Section 16-7-5, Code of Alabama, 1975, to expand the membership of the Alabama Educational Television Commission from five to seven persons, one to be from of the congressional districts of the State, and to confer upon the Commission power to operate a public radio station or stations.

Also:

By Mr. Pearson:

S. 434. To amend Section 44-1-51, Code of Alabama 1975, which relates to the membership of the Youth Services Board, so as to increase the membership.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 342. Ways and Means.

S. 434. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Gullede (With Notice and Proof):

S. 511. Relating to the City of Foley in Baldwin County; authorizing the utilities board of the City of Foley to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this Act from the jurisdiction and control of the Alabama Public Service Commission.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 511 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Holmes (With Notice and Proof):

S. 530. Relating to Cleburne County; providing further for hospital service for the indigent in the county; authorizing the expenditure of funds to doctors who will engage in the practice of medicine in the county as an inducement to same, and providing for its retroactive effect.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 530 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 511. Local Legislation No. 1.

S. 530. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Harrison:

S. 152. To provide for the transfer of contributions and creditable service from the Employees' Retirement System of Alabama and/or the Teachers' Retirement System of Alabama to the Judicial Retirement Fund of Alabama; to provide that, if transferred creditable service is used to qualify for retirement under the Judicial Retirement Fund, then the benefits provided thereunder shall be reduced and adjusted and to provide that the provisions of this act shall be cumulative and supplemental.

Also:

By Messrs. Barron, Robertson, Martin, Keener, Harrison, Denton, Little, Proctor, Hall, Kirkland and Mitchem:

S. 170. To provide that the State of Alabama shall provide for the personal protection of state employees against civil liability arising out of motor vehicle operation in connection with their employment; to provide for the method of insuring or reimbursing them for the costs of such insurance; and to prohibit any public officer or state employee in a supervisory capacity from requiring any employee to operate a state vehicle unless the employee is so insured.

Also:

By Mr. Weeks:

S. 405. To authorize county and municipal governments in Alabama to appropriate funds to Community Action Agencies.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 152. Ways and Means.

S. 170. Ways and Means.

S. 405. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Figures:

S. 369. To provide for exemption of certain school days missed due to natural disasters.

Also:

By Mr. McDonald:

S. 385. To amend Sections 11-58-1 and 11-58-2 of the Code of Alabama, 1975, relating to medical clinic boards, so as to expand the language setting forth the purpose of the chapter to make it clear that it is intended to promote the public health and welfare, and also to redefine the term "Medical Clinic" to include facilities for the housing, care and treatment of persons requiring special care or living arrangements, including orphans and persons who are elderly, sick, physically disabled or handicapped or mentally ill or retarded, such as retirement homes, convalescent homes, apartment buildings, domiciliary facilities, dining, recreational and other support facilities, whether or not any such facility is required to be approved or licensed by any governmental agency.

Also:

By Mr. Callahan:

S. 414. To establish the Alabama Perinatal Health Act; to define perinatal; to provide that such perinatal care programs are designed to reduce infant mortality and handicapping conditions; to provide that such programs shall be based on the levels of care concept of regionalization; to provide cooperation between state, local and private health care services for the purposes of low cost prevention-oriented perinatal care; to provide that the Bureau of Maternal and Child Health under the supervision of the State Board of Health, the State Health Planning and Development Agency, the State Health Coordinating Council, the Health Systems Agencies, the Alabama Council on Maternal and Infant Health and the Regional and State Perinatal Advisory Committee shall develop certain plans or programs relative to perinatal care; to prescribe certain responsibilities and authority for the said agencies and the State Board of Health and other state agencies; to provide for the manner of allocation of certain funds and the purposes therefor.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 369. State Administration.
- S. 385. Health.
- S. 414. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Parsons:

S. J. R. 140. REQUESTING THAT THE COMMISSIONER OF AGRICULTURE AND INDUSTRIES WITH THE APPROVAL OF THE STATE BOARD OF AGRICULTURE AND INDUSTRIES PROMULGATE RULES AND REGULATIONS REQUIRING RETAIL SELLERS OF GASOLINE THAT DISPENSE SUCH FUELS BY LITER, TO ALSO POST ON THEIR PUMPS THE PRICE OF SAID FUEL BY THE GALLON.

WHEREAS, the Commissioner of Agriculture and Industries, through the authority of the State Board of Agriculture and Industries has the duty and authority to regulate the sale of gasoline and other liquid motor vehicle fuels to include the regulation of proper measurement and standards of said fuels.

WHEREAS, the Commissioner of Agriculture and Industries has the added duty of enforcing the provisions of Section 8-17-152, Code of Alabama 1975, which requires the seller of gasoline or liquid motor vehicle fuels to conspicuously and plainly post on the pump the price of such product.

WHEREAS, a substantial number of retail sellers of gasoline or liquid motor vehicle fuels now dispense their product by liter instead of by gallon and the posting of the price only by liter can have a tendency to confuse or otherwise mislead the buying public as to the price of said fuel by a well known and understood standard of measurement.

WHEREAS, while the practice of the above retail seller of only posting the price by liter instead of by gallon does not, in itself, violate the Alabama law, this practice is not looked upon with favor by the Alabama Legislature.

WHEREAS, the Commissioner of Agriculture and Industries with the approval of the State Board of Agriculture and Industries has the power and duty to, by regulation, take steps to see that the public buying gasoline or other liquid motor vehicle fuels has full knowledge of the price they are paying by a standard with which they are familiar.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the Commissioner of Agriculture and Industries with the approval of the State Board of Agriculture and Industries be requested to promulgate a rule or regulation requiring that retail sellers of gasoline or liquid motor vehicle fuels, which sell and dispense their product by liter, post the per gallon price of said fuel in a conspicuous place on the dispensing pump along with the liter price.

BE IT FURTHER RESOLVED That copies of this resolution be forwarded to the Commissioner of Agriculture and Industries and to each and every member of the State Board of Agriculture and Industries.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 140, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Robertson:

S. J. R. 52. REQUESTING THE STATE DEPARTMENT OF EDUCATION TO PROVIDE CERTAIN STATISTICAL DATA TO THE ALABAMA LEGISLATURE.

WHEREAS, It is the sense of the Alabama Legislature that it is a duty of all departments funded or administered by the State of Alabama to provide the Legislature with the statistical information necessary for making proper judgments in issues now pending before this body; and

WHEREAS, statistics of the Alabama Department of Public Health for the year 1978, for example, show that more than 13,000, or 21.63%, of the births in Alabama were to mothers aged 15 to 19 years; these disturbing figures for such an age group would indicate that perhaps thousands of teenage mothers and/or pregnant students are enrolled in the public schools of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the Department of Education of the State of Alabama to provide this body with the following statistical data for grades 10 through 12:

(a) The total number of pregnant students presently enrolled in the public schools of Alabama;

(b) the total number of students who already have children; and

(c) a breakdown of the above figures indicating how many of these students are married and how many are unmarried.

BE IT FURTHER RESOLVED, That in the event the Department of Education does not have such statistical information already available, that the department take steps to immediately conduct such a statewide survey as may be necessary to furnish the above information within a reasonable time.

RESOLVED FURTHER, That State Superintendent Wayne Teague be advised, by copy of this resolution, of our request.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 52, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Bailey:

S. J. R. 141. MOURNING THE DEATH OF COMMISSIONER GEORGE T. TAYLOR OF EUFAULA, ALABAMA.

Also:

By Messrs. Teague and Proctor:

S. J. R. 142. COMMENDING THE ATHLETIC PROGRAM AND THE OUTSTANDING ATHLETES OF THE ALABAMA SCHOOL FOR THE BLIND.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolutions, S. J. R. 141 and S. J. R. 142, the titles of which are set out in the above and foregoing Message from the Senate were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Little, Higginbotham, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 138. HONORING DR. HARRY MELVIN PHILPOTT FOR DISTINGUISHED SERVICE AS PRESIDENT OF AUBURN UNIVERSITY.

WHEREAS, a native of Bassett, Virginia, Harry Melvin Philpott was educated in the public schools of Lexington, North Carolina, received his A.B. Degree, graduating Cum Laude, from Washington and Lee University, and earned his Ph.D. Degree from Yale University in 1947; he additionally has been awarded honorary degrees by Stetson University, Washington and Lee, the Universities of Florida and Alabama, and by Samford University; and

WHEREAS, designated an Honorary Alumnus of the University of Florida, he also has been named Alabama Educator of the Year by Kappa Phi Kappa and Citizen of the Year by the Alabama Broadcasters Association; he is a member of the Alabama Academy of Honor, the Alabama District Exchange Court of Honor and, in 1972, was awarded a prestigious Danforth Short Term Leave Grant to travel extensively in the Orient; and

WHEREAS, Dr. Philpott is a member of numerous professional fraternities and honor societies and, throughout his career, has been deeply involved in other professional activities, serving in various capacities of leadership on statewide, regional and national levels, including the presidency in 1976-77 of the National Association of State Universities and Land-Grant Colleges, a signal honor indeed; and

WHEREAS, Dr. Harry Philpott, however, has most prominently contributed to the State of Alabama and its citizens through his long tenure, since 1965, as the beloved President of Auburn University, following professional association with Washington and Lee, Stephens College and the University of Florida; and

WHEREAS, in the past fifteen years, Auburn's total operational budget has more than tripled, its permanent endowment fund has increased some six-fold and organized research has increased in value more than \$10 million; the building program has expanded to include a Montgomery campus, 28 new buildings and five major additions on the main campus, with the acquisition of more than 3,000 acres of land for the programs of the Agricultural Experiment Station; and

WHEREAS, enrollment at Auburn has increased to a total of 22,500 students, more than 18,000 of which are on the main campus at Auburn, the largest by far in the State of Alabama; and

WHEREAS, as an able leader, dedicated to the continuing improvement of higher education, Dr. Philpott has directed Auburn University, with its fully accredited instructional program, to become totally responsive to the needs of our state and the entire Southeastern region; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to his life-long dedication to higher education and in deep gratitude for devoted service to Auburn University, we hereby most highly praise and commend Dr. Harry Melvin Philpott.

BE IT FURTHER RESOLVED, That Dr. Philpott receive a copy of this resolution, bestowed in acclaim and as an expression of the high regard in which he is held by the Alabama Legislature.

SENATE MESSAGE

The resolution, S. J. R. 138, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Little, Harrison, Barron, Bailey, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullede, Hall, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 139. COMMENDING DR. HANLY FUNDERBURK ON HIS SELECTION TO LEAD AUBURN UNIVERSITY AS ITS TWENTIETH PRESIDENT.

WHEREAS, in pleased concurrence, the Legislature of Alabama notes the selection of Dr. Hanly Funderburk as President of Auburn University, succeeding Dr. Harry Philpott who is retiring; and

WHEREAS, a native of Carrollton in Pickens County, Alabama, Dr. Funderburk holds a B.S. degree in agricultural science and a Master's degree in botany, both of which he earned at Auburn University, and a Doctorate from Louisiana State University; and

WHEREAS, eminently qualified as an educator, Dr. Funderburk also is well experienced both as an administrator and in building university programs, having served as Chancellor of Auburn University in Montgomery since its inception in 1968; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. Hanly Funderburk as president of Auburn University with congratulations extended; we further direct that Dr. Funderburk receive a copy of this resolution in pledge of our support and as evidence of our sincere praise and high regard.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 139, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

RECESS

The hour of 11:45 o'clock a.m. having arrived and pursuant to the resolution, H. R. 195, heretofore adopted, the House recessed until 1:30 o'clock p.m.

HOUSE RECONVENED

The hour of 1:30 o'clock p.m. having arrived and pursuant to the resolution, H. R. 195, heretofore adopted, the House reconvened.

The Speaker called the House to Order.

SPECIAL ORDER

The House then proceeded with the consideration of bills on the Special Order Calendar.

And the bill:

S. 487. Relating to Calhoun County; requiring a rotation system for wreckers, except as otherwise provided by municipal ordinance; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting troopers or any other law enforcement officer in the county from displaying favoritism in calling wreckers; and establishing penalties.

Was read a third time at length and passed.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Biddle, Blake, Brakefield, Campbell, Carothers, Cates, Cheatwood, Cobb, Coburn, Cosby, Crow, Edwards, Ford, Gafford, Gilmer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Laird, Mitchell, Moore, Olive, Patton, Payne, Ray, Sasser, Seibels, Shoemaker, Smith (M), Tucker, Ward, Whatley, Willis and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 839. Relating to Barbour County; providing for a salary supplement for the circuit judge and the district court judge.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Biddle, Blake, Brakefield, Buskey, Carothers, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cosby, Crow, Edwards, Ford, Gafford, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Laird, Langford, McMillan, Moore, Nevett, Olive, Owens, Patton, Penry, Rains, Ray, Sasser, Shoemaker, Smith (C), Smith (M), Trammell, Venable, Ward, Whatley and Willis.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 585. Providing clerk hire allowance for Probate Judges of Barbour County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Blake, Brakefield, Buskey, Carothers, Cates, Cheatwood, Cobb, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Grimsley, Grouby, Hammett, Harper (O),

Harper (T), Harvey, Holley, Holmes, Horn, Laird, Langford, Letson, McMillan, Mitchell, Moore, Nevett, Olive, Owens, Penry, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Stout, Trammell, Venable, Waggoner, Ward, Whately, Willis and Zoghby.

—53

And the bill:

H. 902. Relating to Lamar County; giving the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individuals or nonprofit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Bedsole, Biddle, Blake, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Cobb, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Holmes, Horn, Laird, Langford, Letson, McMillan, Moore, Nevett, Olive, Payne, Penry, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Stout, Trammell and Willis.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 903. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sulligent, in Lamar County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Biddle, Blake, Brakefield, Buskey, Carothers, Carter, Cheatwood, Clark (G), Cobb, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Hall, Hammett, Harper (O), Harper (T), Horn, Langford, Letson, Lewis, McMillan, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Payne, Penry, Rains, Reed, Sandusky, Sasser, Smith (C), Stout, Tucker, Ward, Warren, Whately and Willis.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 908. Relating to Marion County; providing further for the employees of the office of the sheriff.

Was taken up.

AMENDMENT OFFERED

Rep. Cobb offered the following amendment to the bill, H. 908:

Amend H. B. 908 by inserting the following word into line 20, Section 1, between the words "the" and "salaries", viz: minimum

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Carothers, Carter, Cheatwood, Clark (G), Cobb, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Hall, Harper (O), Harper (T), Horn, Langford, McMillan, Moore, Naramore, Nevett, Olive, Payne, Penry, Ray, Reed, Sandusky, Sasser, Smith (C), Stout, Trammell, Venable, Ward, Whatley and Willis.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 908 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Holmes, Horn, Langford, Letson, Lewis, McMillan, Minus, Moore, Naramore, Nevett, Olive, Payne, Penry, Rains, Ray, Reed, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Stout, Trammell, Venable, Ward, Warren, Whatley and Willis.

—57

And the bill:

H. 910. Relating to Morgan County; amending Act 742, 1978 Regular Session (Acts of 1978, p. 1081), which levies a county gross sales tax, so as to provide for a lower tax rate for certain gross sales of agriculture equipment, motor vehicles and mining equipment.

Was taken up.

SUBSTITUTE OFFERED

Rep. Roberts offered the following substitute to the bill, H. 910:

A BILL
TO BE ENTITLED
AN ACT

Relating to Morgan County; amending Act 742, 1978 Regular Session (Acts of 1978, p. 1081), which levies a county gross sales tax, so as to provide for a lower tax rate for certain gross sales of agriculture equipment, motor vehicles and mining equipment, and to clarify the provisions thereof relative to the distribution of the tax so that a part of the tax will be paid to certain municipalities in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2 and 7 of Act 742, H. B. 1101, 1978 Regular Session (Acts of 1978, p. 1081), which levies a gross sales tax in Morgan County, is hereby amended to read as follows:

"Section 2. There is hereby levied and imposed within the county gross receipts tax area in Morgan County, in addition to all other taxes, including municipal gross receipts license taxes now imposed by law, a special county privilege license tax paralleling the state sales tax, such privilege license tax to be determined by the application of rates against gross sales or gross receipts, as the case may be, and within specified areas at the rate of 2% of the gross proceeds of sales or receipts.

"Provided, however, the tax rate shall be one-half of one percent ($\frac{1}{2}$ of 1%) for the gross sales or gross receipts:

"(a) Upon every person, firm or corporation engaged or continuing within this county in the business of selling at retail any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment; provided, that the one-half percent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

"Where any used machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

"(b) Upon every person, firm or corporation, engaged or continuing within the county in the business of selling at retail any automobile vehicle or truck trailer or semi-trailer.

"Where any used automotive vehicle or truck or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference; that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

"(c) Upon every person, firm or corporation engaged or continuing within this county in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property; provided, that the term 'machines,' as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

"There are exempted, however, from the provisions of this section and from the computation of the amount of the tax imposed in this section, the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the state sales tax statutes from the computation of the amount of the state sales tax.

"Section 7. The State Department of Revenue shall charge Morgan County for collecting the special county tax levied under this act such amount or percentage of total collections as may be agreed upon by the Commissioner of Revenue and the Morgan County Commission, but such charge shall not, in any event, exceed ten percent of the total amount of the special county tax collected in said county under this act. Such charge for collecting such special tax may be deducted each month from the gross revenues from such special tax before certification of the amount of the proceeds thereof due Morgan County for that month. The Commissioner of Revenue shall pay into the state treasury all tax collected under this act, as such tax is received by the Department of Revenue, and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collection hereunder) the commissioner shall certify to the state comptroller the amount of tax collected under the provisions of this act and paid by him into the state treasury for the benefit of Morgan County during the month immediately preceding such certification. Provided, however, that before certifying the amount of the tax paid into the state treasury for the benefit of Morgan County during each month, the commissioner may deduct from the tax collected in said month the charge due the department for the collection of the tax for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the county treasurer of Morgan County or other person performing the duties of county treasurer, in his official capacity in an amount equal to the amount so certified by the Commissioner of Revenue as having been collected for the use of the county.

"Any incorporated municipality within the county gross receipts tax area may, by resolution of the municipal governing body, elect to share in the proceeds of the special privilege tax of the county and thereafter, upon compliance with the procedure hereinafter provided, shall be entitled to receive a pro rata share of the net proceeds of the tax herein levied, based upon the amount of tax collected within the corporate boundaries of said municipality. The municipal clerk shall immediately after adoption of such resolution notify the county commission of such action. Within fifteen days after the expiration of the third month, beginning after the municipality has adopted such resolution, and quarterly thereafter, the municipal clerk shall certify to the county treasurer or other person performing the duties of

treasurer the total amount of taxes collected within the municipality during the preceding three months period, and the county treasurer or other person performing the duties of such treasurer, after deducting the cost of collection, shall, as hereinafter directed, remit to the municipal treasury that municipality's share of such taxes for the preceding quarter.

"Each month within fifteen days after receipt of said net proceeds from the comptroller, the county treasurer or person performing the duties of the treasurer shall remit the amount due to each municipality entitled that month to receive its share of the tax for the preceding quarter. He shall then deliver to the Morgan County Board of Education ninety percent (90%) of the balance remaining, and shall pay into the general fund of Morgan County the remaining ten percent (10%). Such general fund amount (10%) shall be expended by the Morgan County Commission to support and improve rural fire departments within said county."

Section 2. The provisions of this act shall not be required to be submitted to a referendum vote of the electors of Morgan County.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Blake, Brakefield, Carothers, Carter, Cheatwood, Clark (G), Cobb, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Goodwin, Grouby, Hall, Hammett, Harvey, Holley, Horn, Langford, Letson, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Smith (C), Smith (J), Stewart, Stout, Trammell, Venable, Ward, Warren, Whatley, Williams and Willis.

—57

And the bill:

H. 910. Relating to Morgan County; amending Act 742, 1978 Regular Session (Acts of 1978, p. 1081), which levies a county gross sales tax, so as to provide for a lower tax rate for certain gross sales of agriculture equipment, motor vehicles and mining equipment, and to clarify the provisions thereof relative to the distribution of the tax so that a part of the tax will be paid to certain municipalities in the county.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Drinkard, Ford, Gafford, Gilmer, Goodwin, Grouby, Hall,

Harper (T), Holley, Holmes, Horn, Langford, Letson, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Parker, Patton, Payne, Pegues, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Stewart, Stout, Venable, Warren, Whatley, Williams, Willis and Wyatt.

—59

And the bill:

H. 919. Relating to Clarke County; repealing Act No. 104, H. 425 of the 1973 Regular Session, entitled, "An Act To create the position of deputy coroner in all counties having a population of not less than 26,000 nor more than 26,800 inhabitants according to the most recent federal decennial census."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Drinkard, Ford, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Langford, Lewis, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Parker, Patton, Penry, Rains, Ray, Reed, Sandusky, Sasser, Smith (C), Smith (J), Stewart, Trammell, Venable, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—62

And the bill:

H. 920. Relating to Clarke County; providing further for the office of county coroner; providing for the appointment, qualifications, powers, duties, and salary of the deputy coroner; authorizing the county governing body to appoint not more than two such deputies coroner; providing an expense allowance for the county coroner, payable from the county treasury.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 2.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark (W), Cobb, Cosby, Crow, Drinkard, Ford, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Horn, Jackson, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Stewart, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—67

Nays: Reps.: Clark (G) and Patton.

—2

And the bill:

H. 921. To provide for a certain increase in court costs in the Clarke County Division of the First Judicial Circuit of this state with a portion of the proceeds from such increase to be earmarked for use of the Sheriff of Clarke County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61: Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Drinkard, Ford, Gafford, Gilmer, Goodwin, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Laird, Langford, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Parker, Patton, Rains, Ray, Reed, Sandusky, Seibels, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill:

H. 797. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro, in Jackson County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Drinkard, Ford, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Laird, Langford, Letson, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Payne, Penry, Rains, Ray, Reed, Sandusky, Smith (C), Smith (J), Stewart, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—58

And the bill:

H. 532. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

Which was postponed on the nineteenth legislative day with pending substitutes was taken up.

SUBSTITUTE OFFERED

Rep. Owens offered the following substitute to the bill, H. 532 with pending substitutes:

A BILL
TO BE ENTITLED
AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, for the support of public education in Alabama for the fiscal year ending September 30, 1981 and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 7, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs are shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean Alabama Special Educational Trust Fund.

Section 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund, Alabama Special Educational Trust Fund Surplus Account, Special Mental Health Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1981 and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 4, Chapter 4, Title 41 of the Code of Alabama, 1975), the provisions of Act No. 494 adopted at the 1976 Regular Session, and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for and efficient use of the funds available to and hereby appropriated by the legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2.

Provided, that if, at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Section 3.

A. STATE AGENCIES

1. Academy of Honor, Alabama

(a) Historical Resources Management Program	950
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SOURCE OF FUNDS:

(1) ASETF	950	
Total Alabama Academy of Honor	950	950

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1125

2. Arts and Humanities, Council
on the

(a) Fine Arts Program	1,100,000
(b) Birmingham Symphony	200,000
(c) Alabama Shakespeare Festival	25,000

SOURCE OF FUNDS:

(1) ASETF	525,000		
(2) Federal and Local Funds		<u>800,000</u>	
Total Council on the Arts and Humanities	<u>525,000</u>	<u>800,000</u>	<u>1,325,000</u>

3. Debt Service 874,269

(a) For the payment of principal
and interest due on bonds issued
by the University of Alabama
Research Institute pursuant to
Constitutional Amendment No.
CLVII 214,525

(b) Interest on Endowments:

For interest on University of Mon-
tevallo (Alabama College) En-
dowment, Estimated ... 45,000

For interest on Auburn University
Endowment 20,280

For interest on University of Ala-
bama Endowment 61,000

For interest on Grove Hill Endow-
ment 600

For interest on Public School Fund
Endowment:

Interest on 16th Section lands, Es-
timated 410,000

Interest on School Indemnity lands,
Estimated 90,000

Interest on Valueless 16th Section
lands 5,825

Interest on Surplus Reve-
nue 26,764

Interest on James Wallace
Fund 275

Total 659,744

SOURCE OF FUNDS:

(1) ASETF	<u>874,269</u>	
Total Debt Service	<u>874,269</u>	<u>874,269</u>

4. Dental Scholarship Awards,
Board of

(a) Support of Other Educational Activities Program	228,000
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SOURCE OF FUNDS:

(1) ASETF	<u>228,000</u>	
Total Board of Dental Scholarship Awards	<u>228,000</u>	<u>228,000</u>

(To be expended under the provisions of Act No. 662, 1977 Regular Session.)

5. Education, Department of

(a) Instructional Technical Assistance Program	7,644,166
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The proposed spending plan for the above is as follows:

Right-to-Read 80,250

Career Education 105,600

Special Education Administration 525,000

State Fire College and Technical Assistance Program at Shelton State Community College 250,000

Vocational Education ... 700,000

SOURCE OF FUNDS:

(1) ASETF	1,660,850		
(2) Federal and Local Funds		<u>5,983,316</u>	
Total Instructional Technical Assistance Program	<u>1,660,850</u>	<u>5,983,316</u>	<u>7,644,166</u>

(The appropriation for Special Education Administration is the same appropriation as set out in Act No. 67, approved June 27, 1963 and shall be expended in accordance with that Act.)

(b) Local Agency Support Program	12,451,560
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The proposed spending plan for the above is as follows

Coordination of In-School Television 114,159

School Bus Driver Training and Vehicle Safety Inspection 206,045

Free Testbooks 10,000,000

Testing 800,000

Plans and Surveys 71,132

SOURCE OF FUNDS:

(1) ASETF	11,191,336		
(2) Federal and Local Funds		<u>1,260,224</u>	
Total Local Agency Support Program	<u>11,191,336</u>	<u>1,260,224</u>	<u>12,451,560</u>
(c) Regulation Program			974,640
Teacher Certification and Accreditation	227,000		

SOURCE OF FUNDS:

(1) ASETF	227,000		
(2) Federal and Local Funds		747,640	
Total Regulation Program	<u>227,000</u>	<u>747,640</u>	<u>974,640</u>
(d) Administrative Services Program			9,912,665

The proposed spending plan for the above is as follows:

Compact for Education ...	29,000
Operations & Maintenance of Department	2,300,000
Telephone Revolving Fund	1,200,000

SOURCE OF FUNDS:

(1) ASETF	3,529,000		
(2) Federal and Local Funds		<u>6,383,665</u>	
Total Administrative Services Program	<u>3,529,000</u>	<u>6,383,665</u>	<u>9,912,665</u>

The above appropriation shall include a transfer to the state Personnel Department of \$67,905.

(e) Adult Education Program ...			4,351,706
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The proposed spending plan for the above is as follows:

Adult Basic Education	1,000,000
Community Education ...	96,000

SOURCE OF FUNDS:

(1) ASETF	1,096,000		
(2) Federal and Local Funds		<u>3,255,706</u>	
Total Adult Education Program .	<u>1,096,000</u>	<u>3,255,706</u>	<u>4,351,706</u>

(f) Support of State Universities Program			256,833
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SOURCE OF FUNDS:

(1) Federal and Local Funds		<u>256,833</u>	
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Total Support of State Universities Program	256,833	256,833
(g) Projects-Vocation Rehabilitation/Crippled Children Services Program		4,324,007
SOURCE OF FUNDS:		
(1) Federal and Local Funds	4,324,007	
Total Projects-Voc. Rehab/Crippled Children Services Program	4,324,007	4,324,007
(h) Disability Determination for Social Security Program		8,336,401
SOURCE OF FUNDS:		
(1) Federal and Local Funds	8,336,401	
Total Disability Determination for Social Security Program	8,336,401	8,336,401
(i) Skill Enhancement and Employment Opportunities Program		8,181,221
SOURCE OF FUNDS:		
(1) Federal and Local Funds	8,181,221	
Total Skill Enhancement and Employment Opportunities Program	8,181,221	8,181,221
(j) Support of Other Educational Activities		10,000
The proposed spending plan for the above is as follows:		
Education of Dependents of Blind Parents		10,000
SOURCE OF FUNDS:		
(1) ASETF	10,000	
Total Support of Other Educational Activities	10,000	10,000
For reimbursement of every State Institution of Higher Learning, College, University, or Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 231, 1966 Special Session.		
(k) Emergency Medical Services Education Program		1,225,000
To be distributed by the Department of Education as follows:		

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- (1) West Alabama Emergency
Medical Services, Inc. . 204,167
- (2) Birmingham Regional
Emergency Medical
System 204,167
- (3) North Alabama Emergency
Medical Services, Inc. . 204,166
- (4) Southeast Alabama
Emergency Medical Services
System, Inc. 204,167
- (5) East Alabama Emergency
Medical Services, In. . . 204,166
- (6) Southwest Alabama
Emergency Medical Services
Council, Inc. 204,167

The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of instructional supplies and new instructional equipment for such programs.

SOURCE OF FUNDS:

(1) ASETF	<u>1,225,000</u>		
Total Emergency Medical Services Education Program	<u>1,225,000</u>		<u>1,225,000</u>
(1) Direct Client Services for the Handicapped			41,550,140
Crippled Children Services Pro- gram	4,300,000	3,058,200	7,358,200
Hemophilia Program	300,000		300,000
Homebound Program	2,600,000		2,600,000
Rehabilitation Services Program	6,420,000	24,871,940	31,291,940

SOURCE OF FUNDS:

(1) ASETF	13,620,000		
(2) Federal and Local Funds		<u>27,930,140</u>	
Total Health Services	<u>13,620,000</u>	<u>27,930,140</u>	<u>41,550,140</u>

Total Department of Education

SOURCE OF FUNDS:

(1) ASETF	32,559,186		
(2) Federal and Local Funds		<u>66,659,153</u>	
Grand Total Department of Educa- tion	<u>32,559,186</u>	<u>66,659,153</u>	<u>99,218,339</u>

6. Employees Insurance, State ..		405,400
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SOURCE OF FUNDS:

(1) ASETF	<u>405,400</u>	
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Total State Employees Insurance	405,400	405,400
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7. Employees Retirement, State .		200,332
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SOURCE OF FUNDS:

(1) ASETF	<u>200,332</u>	
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Total State Employees Retirement	<u>200,332</u>	<u>200,332</u>
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8. Examiners of Public Accounts

(a) Legislative Support-Audit Services Program		1,061,017
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For purposes of auditing all phases of public education.

SOURCE OF FUNDS:

(1) ASETF	<u>1,061,017</u>	
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Total Examiners of Public Accounts	<u>1,061,017</u>	<u>1,061,017</u>
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9. Fine Arts, Alabama School of

(a) Fine Arts Program		985,000
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SOURCE OF FUNDS:

(1) ASETF	900,000	
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(2) Federal and Local Funds		<u>85,000</u>
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Total Alabama School of Fine Arts	<u>900,000</u>	<u>85,000</u>	<u>985,000</u>
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10. Firefighters' Personnel Standards and Education Commission, Alabama

(a) Professional and Occupational Licensing & Regulation Program		135,325
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The appropriation to the Alabama Firefighters' Personnel Standards and Education Commission shall include a transfer to the State Personnel Department of \$196.

SOURCE OF FUNDS:

(1) ASETF	<u>135,325</u>	
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Total Alabama Firefighters' Personnel Standards and Education Commission	<u>135,325</u>	<u>135,325</u>
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11. Health, Department of Public

(a) Health Support Services Program	500,000
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For immunization of preschool children and students and for public school food sanitation.

(b) Personal Health Improvement Program	750,000
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Provided however, that the above appropriation shall be expended only for the continuation of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee of the State Committee of Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting federal matching requirements.

SOURCE OF FUNDS:

(1) ASETF	1,250,000	
Total Department of Public Health	1,250,000	1,250,000

12. Higher Education, Commission on

(a) Planning & Coordination Services Program	905,272
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(b) Alabama Student Assistance Program	1,818,607
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(c) Alabama Student Grant Program	3,000,000
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SOURCE OF FUNDS:

(1) ASETF	4,443,867	
(2) Federal and Local Funds	1,280,012	
Total Commission on Higher Education	4,443,867	5,723,879

The Alabama Student Grant funds are to be expended in accordance with Act No. 90, 1978 Second Special Session.

13. Industrial Development Training Institute, Alabama

(a) Industrial Training Program	1,660,000
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SOURCE OF FUNDS:

(1) ASETF	1,600,000
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(2) Federal and Local Funds		<u>60,000</u>	
Total Alabama Industrial Development Training Institute	<u>1,600,000</u>	<u>60,000</u>	<u>1,660,000</u>
14. Junior College School System			
(a) Academic Instruction and Institutional Support Program . .			71,496,956
SOURCE OF FUNDS:			
(1) ASETF	44,745,763		
(2) Federal and Local Funds		10,235,056	
(3) State Funds		846,012	
(4) Other Funds		10,900,045	
(5) Auxiliary Enterprises		<u>4,770,080</u>	
Total Junior College School System	<u>44,745,763</u>	<u>26,751,193</u>	<u>71,496,956</u>

This appropriation to the Alabama State Board of Education for the Junior College Equalization Account is to be used for operation and maintenance of the Junior Colleges listed below and is to be distributed on the following formula: \$200,000 to each Junior College. The remainder of the appropriation is to be allotted to each Junior College in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1979-80 by all the Junior Colleges listed in this appropriation, provided, however, the nursing and allied health programs will be funded on a cost basis based upon the 1979-1980 academic year in accordance with the number of quarter hours attempted within the departments. Junior colleges with credit producing programs in Alabama Correctional Institutions shall be reimbursed for tuition that is waived. Continuing education unit hours shall be excluded from the computations herein required. (The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College.). Of the above appropriations contained herein in Section 3-A-14 not more than the sum of \$300,000 may be used by the State Board of Education for administration of the state junior college program.

15. Law Institute, Alabama

(a) Support of Other Educational Activities Program	211,000
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SOURCE OF FUNDS:

(1) ASETF	211,000		
Total Alabama Law Institute	<u>211,000</u>		<u>211,000</u>

16. Legislature

(a) House and Senate Operations and Support Program			2,000,000
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SOURCE OF FUNDS:

(1) ASETF	2,000,000		
Total Legislature	<u>2,000,000</u>		<u>2,000,000</u>

17. Library Service, Public

(a) Public Library Service Pro- gram			4,159,162
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The appropriation to the Public Li-
brary Service shall include a
transfer to the State Personnel
Department of \$2,700.

SOURCE OF FUNDS:

(1) ASETF	3,000,000		
(2) Federal and Local Funds		<u>1,159,162</u>	
Total Public Library Service	<u>3,000,000</u>	<u>1,159,162</u>	<u>4,159,162</u>

18. Marine Environmental Sci-
ences Consortium

(a) Support of Other Educational Activities Program			652,353
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SOURCE OF FUNDS:

(1) ASETF	512,000		
(2) Federal and Local Funds		<u>140,353</u>	
Total Marine Environmental Sci- ences Consortium	<u>512,000</u>	<u>140,353</u>	<u>652,353</u>

19. Medical Scholarships Awards,
Boards of

(a) Support of Other Educational Activities Program			711,000
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SOURCE OF FUNDS:

(1) ASETF	711,000		
Total Board of Medical Schol- arships Awards	<u>711,000</u>		<u>711,000</u>

(To be expended under the provi-
sions of Act No. 663, 1977 Regu-
lar Session.)

20. Minimum Program and Public
School Fund

(a) Financial Assistance Program 479,075,761

SOURCE OF FUNDS:

(1) ASETF	450,399,276		
(2) Public School Fund		24,000,000	
(3) Local Funds		<u>4,676,485</u>	
Total Minimum Program and Public School Fund	<u>450,399,276</u>	<u>28,676,485</u>	<u>479,075,761</u>

The above appropriation shall be paid in accordance with Title 16, Article 3, Code of Alabama, 1975 and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1980-81 is based on 24,395 teacher units.

It is provided in the event there are more than 24,395 earned teacher units for the fiscal year 1980-81, then such amounts necessary to pay for these excess teacher units is hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed \$2,828.07 for each earned teacher unit.

For Principal Supplement the sum shall not exceed \$100.00 for each earned teacher unit.

For Capital Improvements the sum shall not exceed \$64.87 for each earned teacher unit.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$45,943,784.

21. Board of Education

(a) Financial Assistance Program 247,800,677

SOURCE OF FUNDS:

(1) ASETF	<u>247,800,677</u>	
Total Board of Education	247,800,677	247,800,677

(a) To be distributed by State Board of Education for:

Hospital Medical Insurance Assistance for Professional Staff, Support Staff, and Adult School Bus Drivers 15,500,000

Of the appropriation hereinabove made for Hospital Medical Insurance there is hereby appropriated the sum of two hundred forty-seven dollars and twenty cents (\$247.20) per annum per teacher, administrative supervisory unit, full time support employee, and adult school bus drivers.

(b) Teachers Sick Leave 3,890,000

Of the appropriation hereinabove made for Teachers Sick Leave the rate of not more than \$17 per day is hereby appropriated.

(c) Support Personnel Sick
Leave 1,000,000

The appropriation hereinabove shall provide sick leave in accordance with Act No. 208, 1977 Regular Session

(d) Teachers Personal
Leave 1,000,000

The appropriation hereinabove made to Teachers Personal Leave provides for two (2) days personal leave at \$17 per teacher unit for each teacher employed (except ESEA Title I, Title III and Title IV teachers and ESAA teachers).

(e) Funds to Replace
Fees 10,637,550

Of the appropriation hereinabove made for Funds to Replace fees there is hereby appropriated two hundred and fifty dollars (\$250) per teacher unit for grades K-6 and three hundred dollars (\$300) per teacher unit for grades 7-12 for all teachers employed (except ESEA, Title I, Title III and Title IV teachers and ESAA teachers).

(f) Maintenance 6,000,000

(g) Continuation of funds previously granted for Special Education 28,140,268

Of the appropriation hereinabove made \$1,200,000 shall be allocated to local boards of education and administered through the State Department of Education for meeting matching requirements of Federal Legislation (P.L. 94-482) for vocational education for the handicapped. Of the \$28,140,268 for Special Education, \$250,000 shall be allocated to the Tuscaloosa Regional Handicapped School, \$250,000 shall be allocated to the Southwest Alabama School for Deaf and Blind and \$250,000 for the Vivian B. Adams School, \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama, \$25,000 shall be allocated to the Hope Haven School in Colbert County, \$25,000 shall be allocated to the Jasper Shriner School, \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama, \$35,000 shall

be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama, and \$25,000 shall be allocated to Project Independence in Coffee County, Alabama. An amount approved by the State Board of Education may be distributed by the State Board of Education to the Alabama Institute for Deaf and Blind to implement the purposes of Act No. 106 and P.L. 94-142.

- (h) Kindergarten Teacher
units 19,060,791

The above appropriation is for 1,080 teacher units and includes salaries, other current expenses, and capital outlay at the same rate as provided in the Minimum Program.

- (i) Driver Education .. 8,650,387

- (j) Supportive teacher
units 30,937,784

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the Minimum Program, Kindergarten units in (h) and additional teacher units in (1). The above appropriation is for 1,755 teacher units and includes salaries, other current expenses, and capital outlay at the same rate as provided in the Minimum Program.

- (k) Continuation of Teacher Units to reduce pupil-teacher ratio in grades 1-6 11,471,772

The above appropriation is for 650 teacher units and includes salaries, other current expenses, and capital outlay at the same rate as provided in the Minimum Program.

- (1) Special Education 58,158,860

The above appropriation is for 3,250 teacher units and includes salaries, other current expenses, capital outlay, and transportation at the same rate as provided in the Minimum Program.

- (m) Vocational teacher
units 53,317,265

The appropriation herein above for Vocational Education shall be disbursed or obligated in accordance with rules and regulations

approved by the State Board of Education upon the recommendation of the State Superintendent.

22. Nursing, Alabama Board of

- (a) Professional and Occupational Licensing and Regulation Program

607,000

The appropriation to the Alabama Board of Nursing shall include a transfer to the State Personnel Department of \$540.

SOURCE OF FUNDS:

- (1) ASETF—as provided in Act No. 68, 1977 Special Session, Scholarships for Graduate Nurses ..

57,000

- (2) Alabama Board of Nursing Trust Fund—as provided in Title 34, Chapter 21, Code of Alabama 1975, as amended

550,000

Total Alabama Board of Nursing

57,000

550,000

607,000

23. Peace Officers Standards and Training Commission, Alabama

- (a) Professional and Occupational Licensing and Regulation Program

80,000

- (b) Certified Law Enforcement Academy Programs

252,500

Jacksonville State University

50,500

University of Alabama ...

50,500

James H. Faulkner Jr. Col.

50,500

Troy St. Univ. Montgomery

50,500

Craig AFB

50,500

The appropriation to the Alabama Peace Officers Standards and Training Commission shall include a transfer to the State Personnel Department of \$98.

SOURCE OF FUNDS:

- (1) ASETF

332,500

Total Alabama Peace Officers Standards and Training Commission

332,500

332,500

24. Physical Fitness, Commission on

(a) Advisory Services Program 76,000

The appropriation to the Commission on Physical Fitness shall include a transfer to the State Personnel Department of \$196.

SOURCE OF FUNDS:

(1) ASETF	76,000	
Total Commission on Physical Fitness	76,000	76,000

25. Postsecondary Vocational-Technical Education System

(a) Instructional and Institutional Support Program 49,358,228

SOURCE OF FUNDS:

(1) ASETF	36,776,035		
(2) Federal and Local Funds		1,042,332	
(3) State Funds		563,944	
(4) Other Funds		7,691,145	
(5) Auxiliary Enterprises		3,284,772	
Total Postsecondary Vocational-Technical Education System	36,776,035	12,582,193	49,358,228

For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education.

(The above appropriation is to be distributed to the following Vocational-Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division; (7) Carver State Technical College; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Technical Institute; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest State Technical College; (16) N. F. Nunnelle State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed. E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C. A. Fredd State Technical College; (25) Walker State Technical College; (26) George Corley Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville).

Of the above appropriations contained herein in Section 3-A-25 not more than the sum of \$300,000 may be used by the State Board of Education for administration of the Vocational-Technical School Program.

26. Social Security (ASETF share)

(a) For State's share of Social Security, Estimated 69,400,000

(Includes payment to MICA)

SOURCE OF FUNDS:

(1) ASETF 69,400,000

Total Social Security 69,400,000 69,400,000

27. Teachers' Retirement System of Alabama

(a) Retirement Systems Program, Estimated 170,073,900

SOURCE OF FUNDS:

(1) ASETF-Teachers' Retirement System 161,313,900

(2) ASETF-Teachers' Special Pension Fund 8,760,000

Total Retirement Systems Program (State's Share) 170,073,900 170,073,900

The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund.

28. Tenure Commission, State

(a) Regulation Program 9,000

SOURCE OF FUNDS:

(1) ASETF 9,000

Total State Tenure Commission . 9,000 9,000

29. Television Commission, Education

(a) Educational TV Services Program 2,555,000

(b) Public Radio Services Program 176,000

SOURCE OF FUNDS:

(1) ASETF 2,100,000

(2) Federal and Local Funds 631,000

Total Education Television Commission 2,100,000 631,000 2,731,000

30. Unemployment Compensation 1,750,000

SOURCE OF FUNDS:

(1) ASETF 1,750,000

Total Unemployment Compensation	<u>1,750,000</u>		<u>1,750,000</u>
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31. Veterans Education Benefits

(a) Administration of Veterans Affairs Program			1,300,000
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SOURCE OF FUNDS:

(1) ASETF	<u>1,300,000</u>		
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Total Veterans Education Benefits	<u>1,300,000</u>		<u>1,300,000</u>
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The above appropriation includes prorata administration costs of the Department of Veteran Affairs and for the reimbursement to every State Institution of Higher Learning, College, University, or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session.

32. Youth Services, Department of

(a) Youth Services Program			8,859,755
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The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$19,787.

SOURCE OF FUNDS:

(1) ASETF	7,839,835		
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(2) Federal and Local Funds		<u>1,019,920</u>	
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Total Department of Youth Services	<u>7,839,835</u>	<u>1,019,920</u>	<u>8,859,755</u>
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(To be expended in accordance with Act No. 816, 1973 Regular Session.)

33. Study Commission, Alabama Education

(a) Advisory Services Program ..			189,000
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SOURCE OF FUNDS:

(1) ASETF	<u>189,000</u>		
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Total Alabama Education Study Commission	<u>189,000</u>		<u>189,000</u>
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(To be used for educational studies in accordance with Act No. 15, 1969 Special Session.)

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Section 4.

**A. FINANCIAL ASSISTANCE
TO NON-STATE EDUCA-
TIONAL AGENCIES**

**1. American Legion and Auxiliary
Scholarships**

(a) Support of Other Educational
Activities Program 4,700

SOURCE OF FUNDS:

(1) ASETF 4,700

Total American Legion and Auxil-
iary Scholarships 4,700 4,700

(To be expended under the provi-
sions of Act No. 676, 1978 Regu-
lar Session.)

**2. Environmental Quality Associ-
ation, Alabama**

(a) Environmental Education
Program 175,000

SOURCE OF FUNDS:

(1) ASETF 175,000

Total Alabama Environmental
Quality Association 175,000 175,000

**3. Opportunities Industrialization
Centers**

(a) Skills Enhancement and Em-
ployment Opportunities Pro-
gram 175,000

SOURCE OF FUNDS:

(1) ASETF 175,000

Total Opportunities Industrializa-
tion Centers 175,000 175,000

**4. Sickie Cell Association, Inc.,
East Alabama**

(a) Sickie Cell Education Pro-
gram 30,000

SOURCE OF FUNDS:

(1) ASETF 30,000

Total East Alabama Sickie Cell As-
sociation 30,000 30,000

**5. Sylacauga Nurses Training
School**

(a) Support of Other Educational
Activities Program 58,000

SOURCE OF FUNDS:

(1) ASETF	58,000		
Total Sylacauga Nurses Training School	58,000		58,000

Section 5.

COLLEGES, UNIVERSITIES
AND SCHOOLSI. Board of Trustees of University
of Alabama

A. The University

1. Operations and Maintenance .	36,297,905	28,190,591	64,488,496
2. Research, Extension and Public Service	2,074,456	218,487	2,292,943
3. Emergency Medical Services .	141,533	92,632	234,165
4. Center for Emotionally Disturbed Children	533,215	472,652	1,005,867
5. Nursing Scholarships	18,000		18,000
6. School of Mines	1,161,814	927,610	2,089,424
7. Family Practice Center	839,736	641,096	1,480,832
8. Alabama Museum of Natural History	167,273	44,164	211,437
9. College of Community Health Services Medical Education ...	2,440,008	1,260,000	3,700,008
10. Vocational Teacher Training	381,442	182,158	563,600
11. Cooperative University Upper Division Program	217,004	75,000	292,004
12. Rural Infant Stimulation Environment Program	140,465	63,429	203,894
13. High Risk Nursery	113,226		113,226
14. Safe State Program	173,923		173,923
15. College of Education	200,000		200,000
16. Auxiliary Enterprises		18,742,893	18,742,893

SOURCE OF FUNDS:

(1) ASETF	44,900,000		
(2) Other Funds		50,910,712	
Total University of Alabama	44,900,000	50,910,712	95,810,712
3. University of Alabama in Birmingham			
1. University College	15,583,842	12,437,344	28,021,186
2. School of Public and Allied Health	2,347,460	1,956,364	4,303,824
3. Regional Technical Institute ..	1,956,990	402,465	2,359,455

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4. Joint Health Sciences	3,051,326	1,432,456	4,483,782
5. Student Nurses Loans	12,000		12,000
6. Nursing Scholarships	88,400		88,400
7. School of Nursing	3,407,980	2,375,206	5,783,186
8. Center for Labor Education and Research	285,196		285,196
9. Urban Research and Public Service	328,604		328,604
10. School of Medicine	17,605,115	45,971,958	63,577,073
11. School of Optometry	2,258,777	1,829,134	4,087,911
12. School of Denistry	7,677,297	9,310,026	16,987,323
13. System Medical Education Program	529,440		529,440
14. Family and Other Primary Care Residency Program	1,705,271		1,705,271

The above appropriation shall be expended for residency programs as follows:

Anniston	268,654		
East End	268,654		
Jefferson County	268,655		
Montgomery	268,654		
Selma	362,000		
Gadsden	268,654		
15. Montgomery Internal Medicine	258,147		258,147
16. University Hospital	6,268,638	104,192,236	110,460,874
17. Department of Pediatrics	334,022		334,022
18. Health-Related Research and Public Service	3,036,903		3,036,903
19. Emergency Medical Training	173,392		173,392
20. Hypertension Research	420,600		420,600
21. Multipurpose Arthritis Center	420,600		420,600
22. Medical Genetics Program ..	200,000		200,000
23. Special Mental Health		3,222,284	3,222,284
24. Center for Developmental and Learning Disorders		544,707	544,707
25. Auxiliary Enterprises		<u>6,675,000</u>	<u>6,675,000</u>

SOURCE OF FUNDS:

(1) ASETF	67,950,000		
(2) Special Mental Health Fund .		3,766,991	
(3) Other Funds		<u>186,582,189</u>	

Total University of Alabama in Birmingham	67,950,000	190,349,180	258,299,180
C. University of Alabama in Huntsville			
1. Operations and Maintenance	6,721,621	6,235,320	12,956,941
2. School of Nursing Scholarships	18,000		18,000
3. Center for Management and Economic Research	50,000		50,000
4. School of Primary Medical Care	2,898,401	405,133	3,303,534
5. Community Medicine Rural Preceptorship Program	30,000		30,000
6. Johnson Enviromental and Energy Center	287,541	1,489,765	1,777,306
7. Ambulatory Care Center	681,773	739,623,	1,421,396
8. School of Nursing	894,247	272,521	1,166,768
9. Paramedic Training	131,910		131,910
10. Alabama Solar Energy Center	286,507		286,507
11. Auxiliary Enterprises		<u>1,405,801</u>	<u>1,405,801</u>
SOURCE OF FUNDS:			
(1) ASETF	12,000,000		
(2) Other Funds		<u>10,548,163</u>	
Total University of Alabama in Huntsville	<u>12,000,000</u>	<u>10,548,163</u>	<u>22,548,163</u>
II. Board of Trustees of Alabama A & M University			
A. Alabama A & M University			
1. Operations and Maintenance .	9,175,000	11,475,698	20,650,698
2. Vocational Teacher Training .	275,000		275,000
3. Auxiliary Enterprises		<u>3,483,602</u>	<u>3,483,602</u>
SOURCE OF FUNDS:			
(1) ASETF	9,450,000		
(2) Other Funds		<u>14,959,300</u>	
Total Alabama A & M University	<u>9,450,000</u>	<u>14,959,300</u>	<u>24,409,300</u>
III. Board of Trustees of Alabama State University			
A. Alabama State University			
1. Operations and Maintenance	8,100,000	4,006,200	12,106,200
2. Auxiliary Enterprises		<u>3,428,130</u>	<u>3,423,130</u>
SOURCE OF FUNDS:			
(1) ASETF	8,100,000		

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(2) Other Funds		<u>7,434,330</u>	
Total Alabama State University .	<u>8,100,000</u>	<u>7,434,330</u>	<u>15,534,330</u>

IV. State Board of Education

A. Athens State College

1. Operations and Maintenance .	1,620,000	1,396,954	3,016,954
2. Auxiliary Enterprises		<u>336,925</u>	<u>336,925</u>

SOURCE OF FUNDS:

(1) ASETF	1,620,000		
(2) Other Funds		<u>1,733,879</u>	
Total Athens State College	<u>1,620,000</u>	<u>1,733,879</u>	<u>3,353,879</u>

V. Board of Trustees of Auburn University

A. Auburn University

1. Operations and Maintenance .	39,902,614	30,344,666	70,247,280
2. School of Nursing	425,000		425,000
3. Educational Television	376,712		376,712
4. Center for Vocational and Adult Education	535,000		535,000
5. Clinical Psychology	117,700		117,700
6. Engineering Experiment Station	896,054		896,054
7. Public Service, Research and Extension	386,120		386,120
8. Energy Research	275,800		275,800
9. Food Animal Health & Disease Research	200,000		200,000
10. Auxiliary Enterprises		<u>21,926,138</u>	<u>21,926,138</u>

SOURCE OF FUNDS:

(1) ASETF	43,115,000		
(2) Other		<u>52,270,804</u>	
Total Auburn University	<u>43,115,000</u>	<u>52,270,804</u>	<u>95,385,804</u>

B. Agricultural Experiment Station

1. Operations and Maintenance .	<u>8,300,000</u>	<u>9,220,328</u>	<u>17,520,328</u>
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SOURCE OF FUNDS:

(1) ASETF	8,300,000		
(2) Other		<u>9,220,328</u>	
Total Agricultural Experiment Station	<u>8,300,000</u>	<u>9,220,328</u>	<u>17,520,328</u>

C. Cooperative Extension Service

1. Operations and Maintenance .	<u>10,257,000</u>	<u>9,611,536</u>	<u>19,868,536</u>
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SOURCE OF FUNDS:

(1) ASETF	10,257,000		
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(2) Other		<u>9,611,536</u>	
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Total Cooperative Extension Service	<u>10,257,000</u>	<u>9,611,536</u>	<u>19,868,536</u>
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D. Auburn University at Montgomery

1. Operations and Maintenance .	6,211,932	4,601,761	10,813,693
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2. Montgomery Area Community Health Sciences Institute	52,068		52,068
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3. Public Service, Research and Extension (Center for Government and Public Affairs)	163,500	32,037	195,537
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4. School of Nursing	272,500	3,010	275,510
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5. Auxiliary Enterprises		<u>1,289,206</u>	<u>1,289,206</u>
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SOURCE OF FUNDS:

(1) ASETF	6,700,000		
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(2) Other		<u>5,926,014</u>	
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Total Auburn University at Montgomery	<u>6,700,000</u>	<u>5,926,014</u>	<u>12,626,014</u>
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VI. Board of Trustees of Jacksonville State University:

A. Jacksonville State University

1. Operations and Maintenance .	11,797,000	3,915,183	15,712,183
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2. Gadsden Program	485,000	110,000	595,000
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3. Nursing Scholarships	18,000		18,000
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4. United Cerebral Palsy Development Center for East Central Alabama	100,000		100,000
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5. Vocational Teacher Training .	100,000		100,000
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6. Auxiliary Enterprises		<u>1,375,000</u>	<u>1,375,000</u>
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SOURCE OF FUNDS:

(1) ASETF	12,500,000		
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(2) Other		<u>5,400,183</u>	
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Total Jacksonville State University	<u>12,500,000</u>	<u>5,400,183</u>	<u>17,900,183</u>
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VII. Board of Trustees of Livingston State University:

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A. Livingston State University

1. Operations and Maintenance .	3,882,000	750,129	4,632,129
2. Nursing Scholarships	18,000		18,000
3. Auxiliary Enterprises		<u>1,179,309</u>	<u>1,179,309</u>

SOURCE OF FUNDS:

(1) ASETF	3,900,000		
(2) Other		<u>1,929,438</u>	
Total Livingston State University	<u>3,900,000</u>	<u>1,929,438</u>	<u>5,829,438</u>

VIII. Board of Trustees of University of Montevallo:

A. University of Montevallo

1. Operations and Maintenance .	6,115,443	3,058,288	9,173,731
2. School for Aphasic Children ..	223,399	16,000	239,399
3. Highway Safety Program	140,799		140,799
4. Communication Center	20,359	65,000	85,359
5. Auxiliary Enterprises		<u>2,459,750</u>	<u>2,459,750</u>

SOURCE OF FUNDS:

(1) ASETF	6,500,000		
(2) Other Funds		<u>5,599,038</u>	
Total University of Montevallo ..	<u>6,500,000</u>	<u>5,599,038</u>	<u>12,099,038</u>

I. Board of Trustees of University of North Alabama:

A. University of North Alabama

1. Operations and Maintenance .	7,932,000	2,904,210	10,836,210
2. Nursing School Scholarships .	18,000		18,000
3. Auxiliary Enterprises		<u>2,939,575</u>	<u>2,939,575</u>

SOURCE OF FUNDS:

(1) ASETF	7,950,000		
(2) Other		<u>5,843,785</u>	
Total University of North Alabama	<u>7,950,000</u>	<u>5,843,785</u>	<u>13,793,785</u>

X. Board of Trustees of South Alabama

A. University of South Alabama

1. Operations and Maintenance .	11,824,547	8,233,978	20,058,525
2. Medical Research and Public Service	362,128		362,128

(Includes Statewide Medical Education, Ambulatory Care, Human Clinical Nutrition Program and Reproductive Health Sciences Center.)

3. Family Practice Residency Program	577,000		577,000
4. College of Medicine	9,000,000	7,046,456	16,046,456
5. Medical Center Hospital	1,677,427	28,544,510	30,221,937
6. Newborn Growth and Development Program	80,000		80,000
7. Division of Allied Health	700,000	101,946	801,946
8. School of Nursing	600,000	199,166	799,166
9. Nursing Scholarships	18,000	5,550	23,550
10. Research, Public Service and Extension	91,398	33,583	124,981
11. Paramedic Training Program	137,500	58,075	195,575
12. Basic Medical Sciences	250,000		250,000
13. Birth Defect Genetic Center .	220,000		220,000
14. Auxiliary Enterprises		<u>3,770,970</u>	<u>3,770,970</u>

SOURCE OF FUNDS:

(1) ASETF	25,538,000		
(2) Other		<u>47,994,234</u>	
Total University of South Alabama	<u>25,538,000</u>	<u>47,994,234</u>	<u>73,532,234</u>

XI. Board of Trustees of Troy State University:

1. Operations and Maintenance at Troy	7,248,000	4,280,000	11,528,000
2. Operations and Maintenance at Ft. Rucker/Dothan	975,000	1,152,462	2,127,462
3. Operations and Maintenance in Montgomery	250,000	1,478,680	1,728,680
4. Nursing Scholarships	36,000		36,000
5. Operations and Maintenance at Bay Minette	56,000	495,000	551,000
6. School of Nursing—Montgomery	250,000	18,000	268,000
7. Branch Campus at Phenix City	85,000	390,000	475,000
8. Auxiliary Enterprises		<u>3,587,707</u>	<u>3,587,707</u>

SOURCE OF FUNDS:

(1) ASETF	8,900,000		
(2) Other		<u>11,401,849</u>	

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Total Troy State University	8,900,000	11,401,849	20,301,849
II. Board of Trustees for Alabama Institute for Deaf and Blind:			
A. Alabama Institute for Deaf and Blind			
1. Operations and Maintenance	5,125,760	2,314,000	7,439,760
B. Department of Adult Blind and Deaf			
1. Special Technical Facility	1,187,769	2,388,916	3,576,685
2. Industries for the Blind	486,471	7,586,230	8,072,701
SOURCE OF FUNDS:			
(1) ASETF	6,800,000		
(2) Other		12,289,146	
Total Alabama Institute for Deaf & Blind	6,800,000	12,289,146	19,089,146

Section 6.

Governor's Education Program.

To State Department of Education—Board of Education with Governor's approval. For Basic Learning Skills Teams, Standard Schools Program, and Liability Insurance

2,000,000

Section 7.

A. Other Educational Appropriations:

(1) Trenholm State Technical College

125,000

For Emergency Medical Services Program.

(2) University of South Alabama For unreimbursable losses caused by Hurricane Frederic.

415,000

(3) Mobile County Board of Education

450,000

For unreimbursable losses caused by Hurricane Frederic.

Section 8.

A. SPECIAL MENTAL HEALTH FUND:

(1) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of University of Alabama \$3,222,284 to be expended under the programmatic area as shown under subsection 5-I-B on page 31.

(2) There is hereby appropriated from the Special Mental Health Trust Fund \$544,707 to be expended under the programmatic area as shown under subsection 5-I-B on page 31.

B. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Section 257, 258, and 259 of the Constitution in 1901 and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools.

Section 9. All appropriations shall be allotted and disbursed only in such proportions as the total sum appropriated bears to the total amount available in the source fund. An overdraft or deficit in any fiscal year for any fund shall be prevented as provided by law without discrimination whatsoever by any governor, department, board, bureau, commission, agency, office or institution against any department, board, bureau, commission, agency, office or institution.

Section 10. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller, shall issue his warrant therefor. All other appropriations in this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 11. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

Section 12. The provisions of this Act are severable. If any portion, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, which holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 13. This Act shall become effective on October 1, 1980.

MOTION TO TEMPORARILY POSTPONE TABLED

On motion of Rep. Owens, the motion offered by Rep. Holmes to temporarily postpone consideration of the bill, H. 532 with pending substitutes, was tabled.

Yeas 50; Nays 16.

Yeas:

Mr. Speaker, Barton, Bedsole, Biddle, Boles, Bowling, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cosby, Gafford, Goodwin, Greer, Gregg, Hammett, Harper (T), Hilliard, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kelley, Laird, Letson, McKee, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Payne, Pegues, Ray, Riddick, Sandusky, Sasser, Smith (C), Smith (J), Stewart, Trammell, Venable and Whatley.

—50

Nays:

Reps.: Adams (H), Blake, Carothers, Clark (G), Gilmer, Hall, Hines, Langford, McMillan, Manley, Penry, Rains, Shoemaker, Turner, Williams and Willis.

—16

The question was then on the adoption of the substitute offered by Rep. Owens to the bill, H. 532 with pending substitutes.

MOTION TO TABLE LOST

The motion offered by Rep. Holley to table the substitute offered by Rep. Owens to the bill, H. 532 with pending substitutes, was lost.

Yeas 46; Nays 55.

Yeas:

Reps.: Albright, Blake, Boles, Bowling, Brakefield, Buskey, Carter, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Goodwin, Greer, Gregg, Hall, Hammett, Harper (O), Harrison, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Laird, Langford, Letson, Mitchell, Nevett, Penry, Rains, Ray, Reed, Roberts, Shavers, Smith (C), Stout, Trammell, Tucker, Warren, Williams and Wyatt.

—46

Nays:

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Cabaniss, Campbell, Carothers, Cates, Clark (G), Coburn, Cosby, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Harper (T), Harvey, Hines, Johnson (R. G.), Kelley, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Willis and Zoghby.

—55

SUBSTITUTE ADOPTED

The question was again on the substitute offered by Rep. Owens to the bill, H. 532 with pending substitutes, and the substitute was adopted.

Yeas 60; Nays 42.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Cabaniss, Campbell, Carothers, Cates, Clark (G), Coburn, Cosby, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Grimsley, Grouby, Hammett, Harper (T), Harvey, Hines, Kelley, Kennedy, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—60

Nays:

Reps.: Albright, Blake, Boles, Bowling, Brakefield, Buskey, Carter, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Gilmer, Goodwin, Greer, Gregg, Hall, Harper (O), Harrison, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, Mitchell, Nevett, Penry, Rains, Shavers, Smith (C), Trammell, Tucker, Turner, Warren and Wyatt.

—42

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment to the bill, H. 532 as amended:

AMENDMENT TO SUBSTITUTE H. 532

Amend H. 532 p. 17 following line 38 by inserting the following:

Minimum Program and Public School Fund

(b) State Board of Education for
Salaries of Teachers and Support
Personnel

\$12,620,068

MOTION TO TABLE LOST

The motion offered by Rep. Owens to table the amendment offered by Rep. Johnson (Roy) to the bill, H. 532 as amended, was lost.

Yeas 37; Nays 56.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Cabaniss, Carothers, Clark (G), Coburn, Cosby, Dial, Dixon, Gafford, Gilmer, Gregg, Grouby, Harvey, Hines, Kelley, Letson, Lewis, McKee, McMillan, Manley, Moore, Naramore, Olive, Pegues, Ray, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (J), Stewart and Turnham.

—37

Nays:

Reps.: Adams (C), Albright, Amari, Bennett, Blake, Boles, Brakefield, Buskey, Campbell, Carter, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Drinkard, Edwards, Goodwin, Greer, Grimsley, Hall, Hammett,

Harper (O), Harrison, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Minus, Mitchell, Nevett, Owens, Parker, Penry, Rains, Reed, Sasser, Shavers, Smith (C), Starkey, Trammell, Tucker, Turner, Venable, Warren, Williams, Willis and Wyatt.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Joint Resolution:

S. J. R. 109. CHANGING THE NAME OF OLD JIM WILLIAMS ROAD IN MADISON COUNTY TO JIM WILLIAMS ROAD.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 187. CREATING A SELECT JOINT INTERIM COMMITTEE FOR THE PURPOSE OF INVESTIGATING THE MANAGEMENT OF ALL STATE FUNDS.

Also:

H. J. R. 197. URGING THE ATTORNEY GENERAL AND ALL DISTRICT ATTORNEYS IN ALABAMA TO ENFORCE SECTION 13A-11-12 OF THE CODE OF ALABAMA 1975, AS AMENDED, WITH REGARD TO DESTRUCTION OR DEFACEMENT OF A TOMBSTONE OR OTHER MONUMENT OF THE DEAD.

Also:

H. J. R. 198. MOURNING THE TRAGIC DEATH OF OFFICER JOHN WARD DOTSON OF CHICKASAW, ALABAMA.

McDOWELL LEE,
Secretary.

H. 532 RESUMED

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Sasser offered the motion to reconsider the vote by which the motion to table the amendment offered by Rep. Johnson (Roy) to the bill, H. 532 as amended, was lost, and the motion to reconsider was adopted.

Yeas 52; Nays 51.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Cabaniss, Campbell, Carothers, Clark (G), Coburn, Cosby, Dial, Dixon, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hines, Kelley, Lewis, McKee, McMillan, Manley,

Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Turnham, Venable, Waggoner, Ward, Whatley and Zoghby.

—52

Nays:

Reps.: Adams (C), Albright, Amari, Bennett, Blake, Boles, Brakefield, Buskey, Carter, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Drinkard, Edwards, Goodwin, Greer, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Mitchell, Nevett, Penry, Rains, Reed, Shavers, Smith (C), Trammell, Tucker, Turner, Warren, Williams, Willis and Wyatt.

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AMENDMENT TABLED

The question was again on the amendment offered by Rep. Johnson (Roy) to the bill, H. 532 as amended, and on motion of Rep. Sasser, the amendment was tabled.

Yeas 55; Nays 50.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Bowling Cabaniss, Campbell, Carothers, Cates, Clark (G), Coburn, Cosby, Dial, Dixon, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Harvey, Hines, Kelley, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Turnham, Venable, Waggoner, Ward, Whatley, Willis and Zoghby.

—55

Nays:

Reps.: Adams (C), Albright, Amari, Bennett, Blake, Boles, Brakefield, Buskey, Carter, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Drinkard, Edwards, Goodwin, Greer, Hall, Hammett, Harper (O), Harper (T), Harrison, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, Mitchell, Nevett, Penry, Rains, Reed, Smith (C), Stout, Trammell, Tucker, Turner, Warren, Williams and Wyatt.

—50

AMENDMENT OFFERED

Rep. Holley offered the following amendment No. 1 to the bill, H. 532 as amended:

Amend Substitute to Substitute to H. B. 532 by reducing each line item for colleges and universities by 4 per cent and transfer such money to p. 17 following line 38 to read:

(b) State Board of Education For Salaries \$11,300,000

AMENDMENT TABLED

On motion of Rep. Tucker, the amendment offered by Rep. Holley to the bill, H. 532 as amended, was tabled.

Yeas 64; Nays 28.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Cates, Clark (G), Coburn, Cosby, Daniels, Dial, Dixon, Edwards, Goodwin, Gregg, Grimsley, Grouby, Harper (T), Hines, Holmes, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Letson, Lewis, McKee, McMillan, Manley, Minus, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Williams, Willis and Zoghby.

—64

Nays:

Reps.: Albright, Blake, Carter, Cheatwood, Cobb, Cooley, Crow, Drinkard, Ford, Gilmer, Hall, Harvey, Hilliard, Holley, Horn, Kelley, Laird, Langford, Mitchell, Nevett, Penry, Rains, Reed, Stout, Trammell, Warren, Whatley and Wyatt.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 794. To amend Act No. 796, H. 1033, Regular Session 1971 (Acts 1971, p. 1530), as amended by Act No. 45 of the 1971 Second Special Session (Acts 1971, p. 4182), and by Act No. 1162 of the 1975 Regular Session (Acts 1975, p. 2286), entitled, "An Act Relating to municipalities having a population of not less than 70,000 nor more than 300,000 according to the 1970 or any subsequent federal decennial census; providing for the election by popular vote of members of the city board of education, to prescribe their terms, qualifications and compensation, and to abolish existing boards of education in such cities," so as to provide that the governing body of the city may by ordinance set the time of the election and any run-off election required at the same time as any regular municipal election held in said city, or at the time provided by Article 2, Chapter 46 of Title 11, Code of Alabama, 1975.

Also:

H. 680. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Monroeville, in Monroe County.

Also:

H. 738. Relating to Clarke County; to increase the expense allowance of members of the Board of Equalization.

Also:

H. 742. Relating to Pike County; to provide further for the costs and charges in cases filed in any court in the county.

Also:

H. 761. Relating to Bullock County; to provide for a clerk for the tax collector, and to give this act retroactive effect.

Also:

H. 793. To provide that the City of Prichard shall be divided into five districts by the Probate Judge of Mobile County, and he shall certify the boundaries of the same to the Prichard City Council; and the members of the Prichard Council shall be elected by districts with one member being elected by each district and each council member shall be a resident of the district from which he is elected; and this Act shall be effective for the municipal election in 1980 and thereafter; and to provide for redistricting after each future federal census.

Also:

H. 822. Relating to the office of sheriff of Chilton County; providing further for the appointment, number, duties and compensation of deputies, providing for the furnishing of quarters, equipment and celrical help; providing for an expense allowance for the sheriff; and repealing Act No. 955, S. 929, 1975 Regular Session (1975 Acts, p. 1991), and Act No. 717, H. 1033, 1978 Regular Session (1978 Acts, p. 1032) and other conflicting laws.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 187. CREATING A SELECT JOINT INTERIM COMMITTEE FOR THE PURPOSE OF INVESTIGATING THE MANAGEMENT OF ALL STATE FUNDS.

Also:

H. J. R. 197. URGING THE ATTORNEY GENERAL AND ALL DISTRICT ATTORNEYS IN ALABAMA TO ENFORCE SECTION 13A-11-12 OF THE CODE OF ALABAMA 1975, AS AMENDED, WITH REGARD TO DESTRUCTION OR DEFACEMENT OF A TOMBSTONE OR OTHER MONUMENT OF THE DEAD.

Also:

H. J. R. 198. MOURNING THE TRAGIC DEATH OF OFFICER JOHN WARD DOTSON OF CHICKASAW, ALABAMA.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 532 RESUMED

AMENDMENT OFFERED

Rep. Carothers offered the following amendment to the bill, H. 532 as amended:

Amend Substitute to Substitute to House Bill 532, Section 3, Subsection 21(g), Page 19, Line 29, by changing the period to a comma and adding the following:

and \$50,000 for the Vaughn-Blumberg Center for the Developmentally Disabled, Dothan.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 42; Nays 31.

Yeas:

Reps.: Adams (H), Bedsole, Cabaniss, Carothers, Cates, Cooley, Daniels, Dixon, Edwards, Greer, Gregg, Grimsley, Grouby, Harper (O), Harper (T), Harvey, Hines, Horn, Johnson (R. G.), Naramore, Nevett, Olive, Owens, Patton, Payne, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stout, Tucker, Venable, Waggoner, Williams, Willis and Zoghby.

—42

Nays:

Mr. Speaker, Adams (C), Albright, Blake, Bowling, Brakefield, Carter, Cheatwood, Clark (G), Cobb, Cosby, Crow, Dial, Gilmer, Hall, Holley, Johnson (Roy), Kelley, Kennedy (Y), Laird, Langford, Letson, Moore, Parker, Pegues, Riddick, Stewart, Turner, Ward, Warren and Wyatt.

—31

AMENDMENT OFFERED

Rep. Whatley offered the following amendment No. 1 to the bill, H. 532 as amended:

On page 19, subsection (g), delete the following and add a period at the end of the sentence: "\$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama, \$25,000 shall be allocated to the Hope Haven School in Colbert County, \$25,000 shall be allocated to the Jasper Shriner School, \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama, \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama, and \$25,000 shall be allocated to Project Independence in Coffee County, Alabama."

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Whatley to the bill, H. 532 as amended, was tabled.

Yeas 62; Nays 23.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Brakefield, Cabaniss, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Dial, Drinkard, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Harrison, Hines, Johnson (R. G.) Johnson (Roy), Kennedy, Laird, Lewis, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Stewart, Turner, Venable, Waggoner, Warren, Williams, Willis and Zoghby.

—62

Nays:

Reps.: Boles, Cheatwood, Cooley, Gilmer, Hall, Hilliard, Holley, Horn, Kelley, Langford, Letson, Nevett, Rains, Reed, Roberts, Sandusky, Smith (C), Smith (M), Trammell, Turnham, Ward, Whatley and Wyatt.

—23

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 680. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Monroeville, in Monroe County.

Also:

H. 738. Relating to Clark County; to increase the expense allowance of members of the Board of Equalization.

Also:

H. 742. Relating to Pike County; to provide further for the costs and charges in cases filed in any court in the county.

Also:

H. 761. Relating to Bullock County; to provide for a clerk for the tax collector, and to give this act retroactive effect.

Also:

H. 793. To provide that the City of Prichard shall be divided into five districts by the Probate Judge of Mobile County, and he shall certify the boundaries of the same to the Prichard City Council; and the members of the Prichard Council shall be elected by districts with one member being elected by each district and each council member shall be a resident of the district from which he is elected; and this Act shall be effective for the municipal election in 1980 and thereafter; and to provide for redistricting after each future federal census.

Also:

H. 794. To amend Act No. 796, H. 1033, Regular Session 1971 (Acts 1971, p. 1530), as amended by Act No. 45 of the 1971 Second Special Session (Acts 1971, p. 4182), and by Act No. 1162 of the 1975 Regular Session (Acts 1975, p. 2286), entitled, "An Act Relating to municipalities having a population of not less than 70,000 nor more than 300,000 according to the 1970 or any subsequent federal decennial census; providing for the election by popular vote of members of the city board of education, to prescribe their terms, qualifications and compensation, and to abolish existing boards of education in such cities," so as to provide that the governing body of the city may by ordinance set the time of the election and any run-off election required at the same time as any regular municipal election held in said city, or at the time provided by Article 2, Chapter 46 of Title 11, Code of Alabama, 1975.

Also:

H. 822. Relating to the office of sheriff of Chilton County; providing further for the appointment, number, duties and compensation of deputies, providing for the furnishing of quarters, equipment and clerical help; providing for an expense allowance for the sheriff; and repealing Act No. 955, S. 929, 1975 Regular Session (1975 Acts, P. 1991), and Act No. 717, H. 1033, 1978 Regular Session (1978 Acts, p. 1032) and other conflicting laws.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO ADJOURN LOST

The motion offered by Rep. Holmes that the House adjourn, was lost.

H. 532 RESUMED

AMENDMENT OFFERED

Rep. Harper (O) offered the following amendment to the bill, H. 532 as amended:

On page 7, Section 3, Subsection 5, (g) below line 27 insert the following:

Camp A.S.C.C.A. (Alabama Society for
Crippled Children and Adults)200,000

and refigure remaining totals accordingly.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Harper (O) to the bill, H. 532 as amended, was tabled.

Yeas 45; Nays 39.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Clark (G), Coburn, Cooley, Dial, Dixon, Gafford, Gregg, Grouby, Harper (T), Harvey, Johnson (Roy), Kelley, Letson, Lewis, McKee, McMillan, Manley, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Riddick, Sasser, Seibels, Shoemaker, Smith (J), Stewart, Waggoner and Williams.

—45

Nays:

Reps.: Albright, Blake, Boles, Carter, Cheatwood, Cosby, Crow, Drinkard, Edwards, Gilmer, Goodwin, Grimsley, Hall, Harper (O), Harrison, Hilliard, Holley, Holmes, Horn, Jackson, Kennedy, Laird, Langford, Minus, Nevett, Parker, Reed, Smith (C), Smith (M), Stout, Trammell, Turnham, Venable, Ward, Warren Whatley, Willis, Wyatt, Zoghby.

—39

AMENDMENT OFFERED

Rep. Payne offered the following amendment No 1 to the bill, H. 532 as amended:

On page 27, item 32, "Youth Services, Department of", on line (a) of item 32, delete the figure 8,859,775 and substitute therefor the figure: 10,419,940

On page 27, item 32, on line (1) "ASETF", delete the figure "7,839,835" and insert in lieu thereof the figure: 9,400,000

On page 27, on the line reading "Total Department of Youth Services", strike the figures "7,839,835" and "8,859,755" and insert in lieu thereof respectively the figures: 9,400,000 and 10,419,940

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Payne to the bill, H. 532 as amended, was tabled.

Yeas 50; Nays 30.

Yeas:

Mr. Speaker, Adams (H), Barton, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Coburn, Cosby, Dial, Dixon, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (T), Harvey, Holley, Holmes, Johnson (R. G.), Kelley, Laird, Lewis, McKee, Manley, Moore, Naramore, Olive, Owens, Pegues, Ray, Riddick, Sasser, Shoemaker, Stewart, Turner, Venable, Waggoner, Williams and Zoghby.

—50

Nays:

Reps.: Amari, Bedsole, Bennett, Cooley, Crow, Drinkard, Edwards, Greer, Hilliard, Howard, Jackson, Langford, Letson, McMillan, Nevett, Patton, Payne, Rains, Reed, Roberts, Shavers, Smith (J), Smith (M), Starkey, Stout, Trammell, Tucker, Ward, Willis and Wyatt.

—30

AMENDMENT OFFERED

Rep. Smith (C) offered the following amendment to bill, H. 532 as amended:

Amend Substitute to House Bill 532 on page 19, line 8, by striking the number \$250 and inserting in lieu thereof the number \$300.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Smith (C) to the bill, H. 532 as amended, was tabled.

Yeas 52; Nays 19.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Carter, Cates, Clark (G), Clark (W), Coburn, Cosby, Dial, Dixon, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Grouby, Hammett, Harper (T), Harvey, Holley, Johnson (R. G.), Langford, Lewis, McKee, McMillan, Manley, Moore, Naramore, Olive, Owens, Patton, Pegues, Riddick, Roberts, Sasser, Seibels, Shoemaker, Starkey, Stewart, Turner, Turnham, Venable, Waggoner and Zoghby.

—52

Nays:

Reps.: Boles, Buskey, Crow, Edwards, Harper (O), Hilliard, Holmes, Howard, Laird, Letson, Rains, Shavers, Smith (C), Smith (M), Trammell, Warren, Williams, Willis and Wyatt.

—19

AMENDMENT OFFERED

Rep. Dixon offered the following amendment to the bill, H. 532 as amended:

Amend Substitute to Substitute to House Bill 532, Section 3, Page 3, Subsection A. 2., Line 15 by striking 1,100,000 and inserting in lieu thereof 1,040,000 and immediately following Line 17 by adding a new item (d) to read as follows:

(d) Alabama Assembly of Community Arts Councils 60,000

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Dixon to the bill, H. 532 as amended, was tabled.

Yeas 47; Nays 24.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Biddle, Bowling, Brakefield, Cabaniss, Carter, Cates, Clark (G), Coburn, Crow, Dial, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Harvey, Johnson (R. G.), Kelley, Laird, Letson, Lewis, Manley, Moore, Naramore, Olive, Owens, Patton, Pegues, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Turner, Venable, Waggoner, Ward and Williams.

—47

Nays:

Reps.: Albright, Bedsole, Carothers, Cheatwood, Cosby, Dixon, Drinkard, Edwards, Hammett, Harper (T), Hilliard, Holmes, Jackson, McKee, McMillan, Nevett, Rains, Reed, Sandusky, Smith (C), Trammell, Willis, Wyatt and Zoghby.

—24

AMENDMENT OFFERED

Rep. Whatley offered the following amendment No. 2 to the bill, H. 532 as amended:

On page 19, line 18, in Subsection (g), add the following after the word "School":

, 18,000 shall be allocated to Auburn University for the Pre-School for Multi-handicapped Children

AMENDMENT TABLED

On motion of Rep. Dixon, the amendment offered by Rep. Whatley to the bill, H. 532 as amended, was tabled.

Yeas 67; Nays 22.

Yeas:

Reps.: Adams (H), Amari, Bedsole, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Gafford, Goodwin, Greer, Gregg, Grouby, Hammett, Harper (T), Hilliard, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, Manley, Mitchell, Moore, Naramore, Owens, Parker, Patton, Pegues, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Turner, Venable, Waggoner, Warren, Williams, Willis and Zoghby.

—67

Nays:

Mr. Speaker, Albright, Barton, Blake, Boles, Cheatwood, Clark (G), Cosby, Ford, Gilmer, Grimsley, Hall, Harper (O), Harvey, Jackson, Kelley, Laird, Olive, Payne, Stewart, Ward and Whatley.

—22

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AMENDMENT OFFERED

Rep. Cooley offered the following amendment to the bill, H. 532 as amended:

On page 15, add the following at the end of line 12:

Of the above appropriation, The George C. Wallace Community College at Hanceville shall be allowed to use a part to use the facilities at St. Bernard Abbey in Cullman.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Cooley to the bill, H. 532 as amended, was tabled.

Yeas 54; Nays 27.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Biddle, Brakefield, Cabaniss, Campbell, Carter, Cates, Clark (G), Clark (W), Coburn, Cosby, Dial, Dixon, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Hines, Howard, Johnson (R. G.), Laird, Lewis, McKee, McMillan, Manley, Moore, Olive, Owens, Parker, Pegues, Ray, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turner, Venable, Waggoner, Williams, Willis and Zoghby.

—54

Nays:

Reps.: Albright, Blake, Boles, Bowling, Carothers, Cheatwood, Cobb, Cooley, Crow, Drinkard, Gilmer, Hall, Harper (O), Harvey, Hilliard, Horn, Jackson, Kelley, Langford, Letson, Nevett, Patton, Rains, Trammell, Tucker, Turnham and Wyatt.

—27

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Naramore offered the motion to reconsider the vote by which the amendment No. 1 offered by Rep. Carothers to the bill, H. 532 as amended, was adopted, and the motion to reconsider was adopted.

Yeas 36; Nays 27.

Yeas:

Reps.: Adams (C), Barton, Brakefield, Cabaniss, Carter, Cheatwood, Clark (G), Clark (W), Dial, Gilmer, Gregg, Hammett, Harvey, Horn, Kelley, Laird, Letson, McKee, Manley, Moore, Naramore, Nevett, Owens, Parker, Patton, Pegues, Riddick Seibels, Shoemaker, Starkey, Stewart, Turner, Waggoner, Willis, Wyatt and Zoghby.

—36

Nays:

Reps.: Bowling, Carothers, Cosby, Daniels, Drinkard, Edwards, Greer, Grimsley, Hall, Hilliard, Holley, Jackson, Johnson (R. G.), Johnson (Roy), Langford, Lewis, Mitchell, Olive, Penry, Reed, Roberts, Sandusky, Smith (C), Smith (J), Venable, Whatley and Williams.

—27

AMENDMENT TABLED

The question was again on the amendment No. 1 offered by Rep. Carothers to the bill, H. 532 as amended, and on motion of Rep. Naramore, the amendment was tabled.

Yeas 38; Nays 29.

Yeas:

Reps.: Adams (C), Adams (H), Amari, Barton, Bennett, Brakefield, Cabaniss, Cheatwood, Clark (G), Clark (W), Dial, Gilmer, Goodwin, Gregg, Harvey, Horn, Kelley, Laird, Letson, Lewis, McKee, Manley, Moore, Naramore, Nevett, Owens, Parker, Pegues, Riddick, Seibels, Shoemaker, Starkey, Stewart, Turner, Waggoner, Whatley, Willis and Wyatt.

—38

Nays:

Reps.: Albright, Carothers, Carter, Cosby, Daniels, Drinkard, Greer, Grimsley, Hall, Hammett, Hilliard, Holley, Jackson, Johnson (R. G.), Johnson (Roy), Langford, Olive, Patton, Payne, Penry, Reed, Roberts, Smith (C), Smith (J), Smith (M), Trammell, Venable, Williams and Zoghby.

—29

AMENDMENT OFFERED

Rep. Carothers offered the following amendment No. 2 to the bill, H. 532 as amended:

Amend Substitute to Substitute to House Bill 532, Section 3, Subsection 21(g) beginning on Line 21 by striking all the language and figures after "the Vivian B. Adams School," down to the word "An" on line 29.

SUBSTITUTE AMENDMENT OFFERED

Rep. Roberts offered the following substitute amendment to the amendment No. 2 offered by Rep. Carothers to the bill, H. 532 as amended:

Amend Substitute to Substitute to House Bill 532, Section 3, Subsection 21(g), Page 19, beginning on Line 17 by deleting all the language and figures after the period on Line 17 and Lines 18 through 28 in their entirety and by deleting the word Alabama on Line 29, and inserting in lieu thereof the following:

The remaining balance shall be divided by the 67 counties by population to be spent in the counties as the local legislative delegations so desire.

SUBSTITUTE AMENDMENT TABLED

On motion of Rep. Owens, the substitute amendment offered by Rep. Roberts, was tabled.

Yeas 47; Nays 21.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Biddle, Brakefield, Cabaniss, Carothers, Cates, Clark (G), Cobb, Coburn, Crow, Daniels, Dixon, Gafford, Goodwin, Gregg, Grimsley, Hines, Holley, Johnson (Roy), Kelley, Langford,

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Lewis, McKee, Manley, Moore, Olive, Owens, Pegues, Penry, Rains, Riddick, Sasser, Seibels, Shoemaker, Smith (J), Stewart, Turner, Turnham, Venable, Waggoner, Warren, Williams and Zoghby.

—47

Nays:

Reps.: Adams (C), Albright, Boles, Bowling, Carter, Cosby, Edwards, Ford, Gilmer, Greer, Hall, Harper (T), Harvey, Hilliard, Jackson, Laird, Letson, Parker, Patton, Payne and Smith (M).

—21

AMENDMENT TABLED

The question was then on the adoption of the amendment No. 2 offered by Rep. Carothers to the bill, H. 532 as amended, and on motion of Rep. Dixon, the amendment was tabled.

Yeas 46; Nays 31.

Yeas:

Reps.: Amari, Bedsole, Bennett, Brakefield, Cabaniss, Campbell, Carter, Cates, Coburn, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Goodwin, Greer, Grouby, Harper (T), Harvey, Holley, Jackson, Johnson (Roy), Langford, Letson, Lewis, McKee, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Turner, Turnham, Venable, Waggoner, Willis and Wyatt.

—46

Nays:

Reps.: Adams (C), Adams (H), Albright, Barton, Blake, Boles, Bowling, Buskey, Carothers, Cheatwood, Clark (W), Cosby, Ford, Gilmer, Gregg, Grimsley, Hall, Hammett, Hilliard, Hines, Johnson (R. G.), Kelley, Kennedy, Laird, Nevett, Payne, Rains, Roberts, Smith (M), Ward and Williams.

—31

AMENDMENT OFFERED

Rep. Stout offered the following amendment to the bill, H. 532 as amended:

On page 24, line 38, insert the following new language:

"The sum of \$10,000.00, or so much thereof as may become available as herein provided, is hereby appropriated from the Alabama Special Education trust fund in the state treasury for the use of the establishment of a technical division of North East State Junior College in Rainsville, Alabama. The appropriation made herein is conditional upon the condition of the Alabama special education trust fund, as ascertained by the Governor, and shall be released only upon orders of the Governor."

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Stout to the bill, H. 532 as amended, was tabled.

Yeas 52; Nays 10.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Cabaniss, Carter, Clark (G), Clark (W), Cobb, Coburn, Cosby, Daniels, Dixon, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Harvey, Holley, Johnson (R. G.), Kelley, Kennedy (Y), Lewis, McKee, Minus, Moore, Naramore, Olive, Owens, Pegues, Penry, Sasser, Seibels, Smith (C), Smith (M), Starkey, Venable, Waggoner, Ward, Warren and Whatley.

—52

Nays:

Reps.: Albright, Blake, Cheatwood, Crow, Edwards, Hall, Hilliard, Nevett, Turner and Wyatt.

—10

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 459. Relating to St. Clair County; providing for the hiring of certain personnel in the office of the sheriff in said county and prescribing salaries for such personnel.

Also:

S. 487. Relating to Calhoun County; requiring a rotation system for wreckers, except as otherwise provided by municipal ordinance; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting troopers or any other law enforcement officer in the county from displaying favoritism in calling wreckers; and establishing penalties.

Also:

S. J. R. 128. COMMENDING DEAN KATHARINE C. CATER FOR LOYALTY AND DEVOTION TO AUBURN UNIVERSITY.

Also:

S. J. R. 109. Changing the name of Old Jim Williams Road in Madison County to Jim Williams Road.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

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H. 532 RESUMED
AMENDMENT OFFERED

Rep. Letson offered the following amendment to the bill, H. 532 as amended:

Amend H. B. 532, as substituted by Ways and Means Committee, Section 3, page 12, Subsection 12 (a), line 31, by deleting the figure 905,272, and insert in lieu thereof the following: 361,405

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Letson to the bill, H. 532 as amended, was tabled.

Yeas 38; Nays 23.

Yeas:

Mr. Speaker, Adams (C), Amari, Bedsole, Bennett, Biddle, Brakefield, Cabaniss, Clark (G), Clark (W), Cobb, Coburn, Cosby, Dial, Dixon, Gafford, Goodwin, Grouby, Harper (T), Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Riddick, Sasser, Seibels, Shoemaker, Smith (M), Stewart, Venable and Waggoner.

—38

Nays:

Reps.: Albright, Barton, Blake, Carter, Cheatwood, Crow, Daniels, Ford, Greer, Hall, Hilliard, Holley, Horn, Johnson (R. G.), Johnson (Roy), Langford, Letson, Nevett, Patton, Rains, Roberts, Whatley and Wyatt.

—23

AMENDMENT OFFERED

Rep. Patton offered the following amendment to the bill, H. 532 as amended:

On page 19, line 21, in Subsection (g), add the following after the word "School":

25,000 shall be allocated to the North Alabama Developmental Center in Decatur, Ala.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Patton to the bill, H. 532 as amended, was tabled.

Yeas 45; Nays 26.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Brakefield, Cabaniss, Clark (G), Coburn, Cosby, Dial, Drinkard, Ford, Gafford, Goodwin, Grimsley, Harper (T), Hines, Johnson (Roy), Laird, Lewis, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Riddick, Sasser, Seibels, Shoemaker, Smith (M), Stewart, Turnham, Venable, Waggoner, Ward and Warren.

—45

Nays:

Reps.: Albright, Blake, Carothers, Carter, Cheatwood, Crow, Daniels, Dixon, Edwards, Gilmer, Greer, Gregg, Hall, Hilliard, Horn, Johnson (R. G.), Kelley, Letson, Minus, Nevett, Rains, Reed, Roberts, Stout, Whatley and Wyatt.

—26

AMENDMENT OFFERED

Rep. Payne offered the following amendment No. 2 to the bill, H. 532 as amended:

On page 27, item 32, "Youth Services, Department of", on line (a) of item 32, delete the figure 8,859,775 and substitute therefor the figure: 9,639,775

On page 27, item 32, on line (1) "ASETF", delete the figure "7,839,835" and insert in lieu thereof the figure: 8,619,835

On page 27, on the line reading "Total Department of Youth Services", strike the figures "7,839,835" and "8,859,755" and insert in lieu thereof respectively the figures: 8,619,835 and 9,639,755

AMENDMENT TABLED

On motion of Rep. Owens, the amendment No. 2 offered by Rep. Payne to the bill, H. 532 as amended, was tabled.

Yeas 50; Nays 30.

Yeas:

Mr. Speaker, Barton, Bedsole, Biddle, Boles, Bowling, Brakefield, Cabaniss, Carter, Cates, Clark (G), Clark (W), Coburn, Dixon, Edwards, Ford, Gafford, Goodwin, Grouby, Hammett, Harper (T), Harvey, Hines, Holley, Johnson (Roy), Kelley, Kennedy, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Ray, Riddick, Sasser, Seibels, Shoemaker, Smith (J), Stewart, Turner, Turnham, Venable, Waggoner, Warren and Zoghby.

—50

Nays:

Reps.: Adams (C), Albright, Amari, Blake, Cheatwood, Cosby, Crow, Drinkard, Greer, Hall, Hilliard, Holmes, Horn, Jackson, Johnson (R. G.), Laird, Langford, Letson, Lewis, Minus, Nevett, Patton, Rains, Roberts, Smith (C), Stout, Ward, Whatley, Willis and Wyatt.

—30

AMENDMENT OFFERED

Rep. Holley offered the following amendment No. 2 to the bill, H. 532 as amended:

Amend H. 532 page 17 following line 38 by inserting the following:

MINIMUM PROGRAM AND PUBLIC SCHOOL FUND

(b) State Board of Education

For salaries of teachers and support

personnel excluding bus drivers \$10,700,000

MOTION TO TABLE LOST

The motion offered by Rep. Owens to table the amendment offered by Rep. Holley, was lost.

Yeas 47; Nays 51.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Biddle, Bowling, Cabaniss, Campbell, Carothers, Cates, Clark (G), Coburn, Cosby, Dial, Gafford, Gilmer, Gregg, Grimsley, Grouby, Kelley Lewis, McKee, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Ray, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Turnham, Venable, Waggoner, Ward and Zoghby.

—47

Nays:

Reps.: Adams (C), Albright, Amari, Blake, Boles, Brakefield, Buskey, Carter, Cheatwood, Clark (W), Cobb, Crow, Daniels, Dixon, Drinkard, Edwards, Goodwin, Greer, Hall, Hammett, Harper (O), Harper (T), Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, McMillan, Mitchell, Nevett, Patton, Penry, Rains, Reed, Roberts, Smith (C), Stout, Trammell, Turner, Warren, Whatley, Willis and Wyatt.

—51

AMENDMENT LOST

The question was then on the adoption of the amendment No. 2 offered by Rep. Holley to the bill, H. 532 as amended, and the amendment was lost.

Yeas 44; Nays 57.

Yeas:

Reps.: Adams (C), Albright, Blake, Boles, Brakefield, Buskey, Carter, Cheatwood, Clark (W), Cobb, Crow, Daniels, Edwards, Goodwin, Greer, Hall, Harper (O), Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Mitchell, Nevett, Patton, Rains, Reed, Roberts, Smith (C), Stout, Trammell, Tucker, Turner, Warren, Williams, Willis and Wyatt.

—44

Nays:

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Biddle, Bowling, Cabaniss, Campbell, Carothers, Cates, Clark (G), Coburn, Cosby, Dial, Dixon, Drinkard, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Harvey, Hines, Kelley, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Riddick, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Turnham, Venable, Waggoner, Ward and Zoghby.

—57

AMENDMENT OFFERED

Rep. Penry offered the following amendment to the bill, H. 532 as amended:

Amend Substitute to Substitute to House Bill 532, Section 5, Page 29 by funding Colleges and Universities at level plus 12%. The excess monies to go to maintenance and repair of buildings Subsection 21(f), Page 19.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Penry to the bill, H. 532 as amended, was tabled.

Yeas 75; Nays 20.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark(G), Cobb, Coburn, Cosby, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harvey, Hilliard, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—75

Nays:

Reps.; Adams (H), Cheatwood, Crow, Daniels, Hall, Harper (T), Holley, Letson, Lewis, McMillan, Patton, Penry, Rains, Reed, Sandusky, Smith (C), Smith (M), Stout, Turner and Warren.

—20

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Owens to suspend the rules in order to consider passage of the bill, H. 532 as amended, was lost, lacking a four-fifths vote.

Yeas 66; Nays 35.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Harvey, Hines, Kelley, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—66

REGULAR SESSION
22nd Day

1171

Nays:

Reps.: Albright, Amari, Blake, Boles, Brakefield, Buskey, Cheatwood, Clark (W), Cobb, Cooley, Crow, Goodwin, Greer, Hall, Harper (O), Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Mitchell, Nevett, Rains, Reed, Smith (M), Stout, Trammell, Turner and Wyatt.

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CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 6:10 P.M. on April 15, 1980.

H. J. R. 192

H. J. R. 193

Delivered to the Governor at 6:20 P.M. on April 15, 1980.

H. J. R. 187

H. J. R. 197

H. J. R. 198

H. 680

H. 738

H. 742

H. 761

H. 793

H. 794

H. 822

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Holmes and pursuant to the resolution, H. R. 194, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, April 17, 1980.

TWENTY-THIRD DAY

House of Representatives
Montgomery, Alabama
Thursday, April 17, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Chester Jernigan, Pastor, Forest Park Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-second legislative day and finds the same to be correct.

LEIGH PEGUES,
Acting Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the twenty-second legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-second legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 200. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Thursday, April 17, 1980, we adjourn to meet again on Tuesday, April 22, 1980, at 1:00 P.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 200, was adopted.

LEAVE OF ABSENCE

At the request of Rep. Manley, leave of absence was granted for Rep. Biddle.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 201. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business April 17, 1980, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Rep. Owens:

H. 533. p. 18S General Fund Budget

By Mr. Pearson:

S. 242. p. 1SS Additional appropriation for salaries & other expenses, Legislature

By Rep. Owens:

H. 571. p. 33S Salary increase for all state employees and officials

By Rep. Owens:

H. 815 p. 106 Supplemental Appropriation

By Rep. Smith (J):

H. 161. p. 12 Airport Authorities

By Rep. Smith (M):

H. 576. p. 29 Capitol security police officers

By Rep. Bedsole:

H. 42. p. 86 Non resident aliens to report owned or leased land

By Rep. Lewis:

H. 384. p. 51 Issuance of motor vehicle license plates

By Rep. Sasser:

H. 198. p. 56 Alcohol manufactured for use in internal combustion engines

By Rep. Grouby:

H. 164. p. 58 Re-opening Retirement System of Alabama

By Rep. Adams (C):

H. 459. p. 22 Regulation of extensions of credit

By Rep. Carothers:

H. 586. p. 51 Auctioneers, licensing

By Rep. Sasser:

H. 201. p. 9 Jury strike system

By Rep. Sasser:

H. 202. p. 9 Jury strike system

By Rep. Owens:

H. 432. p. 27 Civil Air Patrol vehicles

By Rep. Smith (C):

H. 669. p. 68 Minimum of 75 days, first four scholastic months

By Rep. Adams (C):

H. 460. p. 22 Savings and Loan Associations, rate of interest

By Rep. Cates:

H. 355. p. 8 School boards to transfer within line items

By Rep. Riddick:

H. 421. p. 57 Circuit and District Courts, fees of service of process

By Rep. Smith (J):

H. 509. p. 47 Relating to parole of certain inmates

By Rep. Payne:

H. 261. p. 25 Salaries, Chief & Ass't Chief Examiner of Public Accounts

By Rep. Kelley:

H. 558. p. 48 Alabama Housing Finance Authority

By Rep. Lewis:

H. 4. p. 34 Public housing accommodations

By Rep. Smith (C):

H. 671. p. 84 Soybean promotion

By Rep. McKee:

H. 170. p. 25 State nurseries, forest tree seed and seedlings

By Mr. Proctor:

S. 15. p. 75 Controlled substances

By Rep. Adams (C):

H. 701. p. 61 Federal Aid Highway Finance Authority

By Rep. Adams (C):

H. 702. p. 62 Equipment Replacement Surplus Reserve Account or Fund

By Rep. Payne:

H. 505. p. 55 Competetive bidding medical clinics

By Rep. Smith (C):

H. 457. p. 19 Executing and service of process by mail

By Rep. Biddle:

H. 453. p. 88 Compensation for sheriffs

By Rep. Bowling:

H. 466. p. 36 Certain public assistance recipients

By Rep. Boles:

H. 417. p. 54 Classified merit or civil service positions

By Rep. Bennett:

H. 19. p. 17 Election officers

By Rep. Dixon:

H. 666. p. 99 Prohibits payments, ADC unwed mothers

By Rep. Drinkard:

H. 768. p. 83 State banking corporations

By Rep. Stewart:

H. 530. p. 55 Prohibit trains from entering area due to weather conditions

By Rep. Smith (M):

H. 577. p. 53 Capitol security police officers

By Rep. Venable:

H. 622. p. 69 Absentee voting

By Mr. Gullledge:

S. 44. p. 44 Qualifications for county engineers

By Rep. Kelley:

H. 518. p. 66 Escrow accounts, administration of investments

By Rep. Zoghby:

H. 498. p. 43 Streets or alleys, land being vacated

By Rep. Greer:

H. 545. p. 57 Prisoners of war, special license plates

By Rep. Cabaniss:

H. 178. p. 14 Annual list of insurance agents and insurers, publication

By Rep. Mitchell:

H. 300. p. 53 Office of State Toxicologist

By Rep. Barton:

H. 709. p. 59 Tax assessors and/or tax collectors, fees

By Rep. Biddle:

H. 747. p. 63 Public water supply systems

By Rep. Bowling:

H. 745. p. 64 Miniature containers for alcoholic beverages

By Rep. Bedsole:

H. 259. p. 16 Local board of education, filling vacancy

By Rep. Dixon:

H. 316. p. 20 Relating to Medical Clinic Boards

By Rep. Stout:

H. 250. p. 14 Firefighters, minimum standards

By Rep. Gafford:

H. 867. p. 101 Lending institutions

By Rep. Owens:

H. 428. p. 26 County Commissions

By Rep. Dial:

H. 388. p. 64 Medical treatment, indigent patients

By Mr. Teague:

S. 110. p. 89 Motor vehicle safety responsibility

By Mr. Teague:

S. 111. p. 87 County Commissions, composition

By Mr. Teague:

S. 323. p. 68 Fishing, wire baskets and fish boxes

By Rep. Patton:

H. 863. p. 97 Police officers for State Youth Service

By Rep. Letson:

H. 762. p. 85 Minimum weights of certain commodities

By Rep. Whatley:

H. 634. p. 84 Issuance of fees and insurance, public warehouses

By Rep. Cobb:

H. 713. p. 92 Dept. of Examiners of Public Accounts

By Rep. Kennedy:

H. 668. p. 48 Increase fines for defacing cemeteries

By Rep. Ford:

H. 861. p. 102 Distinctive plates for Medal of Honor winners

By Mr. Little:

S. 116. p. 2S Descent and distribution of real estate of an intestate

On motion of Rep. Pegues, the resolution, H. R. 201, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Pegues, Acting Chiariman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

H. J. R. 199. CREATING THE ELMORE COUNTY FIRE DISTRICT STUDY COMMISSION.

On motion of Rep. Pegues, the resolution, H. J. R. 199, was adopted.

Also:

S. J. R. 138. HONORING DR. HARRY MELVIN PHILPOTT FOR DISTINGUISHED SERVICE AS PRESIDENT OF AUBURN UNIVERSITY.

On motion of Rep. Pegues, the resolution, S. J. R. 138, was adopted.

Also:

S. J. R. 139. COMMENDING DR. HANLY FUNDERBURK ON HIS SELECTION TO LEAD AUBURN UNIVERSITY AS ITS TWENTIETH PRESIDENT.

On motion of Rep. Pegues, the resolution, S. J. R. 139, was adopted.

Also:

S. J. R. 141. MOURNING THE DEATH OF COMMISSIONER GEORGE T. TAYLOR OF EUFAULA, ALABAMA.

On motion of Rep. Pegues, the resolution, S. J. R. 141, was adopted.

Also:

S. J. R. 142. COMMENDING THE ATHLETIC PROGRAM AND THE OUTSTANDING ATHLETES OF THE ALABAMA SCHOOL FOR THE BLIND.

On motion of Rep. Pegues, the resolution, S. J. R. 142, was adopted.

BILLS ON SECOND READING

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 229. (With Substitute): To amend Section 20-2-93, Code of Alabama 1975, relating to forfeitures and seizures of property and vehicles used in violation of the Alabama Controlled Substances Act so as to provide for the sale of such property and vehicles and to further provide for the use and disposition of the proceeds from the sale of forfeited property.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 891. To amend Section 37-3-4 and 37-3-33, Code of Alabama 1975 so as to alter the exemption granted motor vehicles hauling passengers to and from their place of employment.

H. 907. To amend further Sections 12-21-281 through 12-21-283 of the Code of Alabama 1975, so as to further define witness and to provide for the manner that prisoners in another state may be called to testify as witnesses in a criminal proceeding in Alabama.

S. 258. To amend Section 12-17-251, Code of Alabama 1975, to allow persons who were serving as full-time magistrates or warrant clerks on September 1, 1976, to issue search warrants.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 913. Prescribing certain procedures which shall govern sales of any public lands belonging to the state department of youth services.

H. 935. To provide that no part of the net earnings of any authority organized pursuant to the Historical Preservation Authorities Act of 1979 shall inure to the benefit of any private person, firm or corporation; to exempt any such authority from the provisions of the laws of Alabama governing usury or prescribing interest rates; and specifying that all the aforesaid provisions shall apply both prospectively and retrospectively except in certain specified cases.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 763. (With Amendments): To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), § 40-7-25.1, Code of Alabama 1975, which act was entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable market value; to amend Sections 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the

abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act, "so as to provide for the further definition of current use value of class III property and to provide for methods of determining current use value on and after October 1, 1979 through the use of standard value formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 385. To amend Sections 11-58-1 and 11-58-2 of the Code of Alabama, 1975, relating to medical clinic boards, so as to expand the language setting forth the purpose of the chapter to make it clear that it is intended to promote the public health and welfare, and also to redefine the term "Medical Clinic" to include facilities for the housing, care and treatment of persons requiring special care or living arrangements, including orphans and persons who are elderly, sick, physically disabled or handicapped or mentally ill or retarded, such as retirement homes, convalescent homes, apartment buildings, domiciliary facilities, dining, recreational and other support facilities, whether or not any such facility is required to be approved or licenses by any governmental agency.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 393. Relating to the promotion of the production, distribution, improvement, marketing, use and sale of soybeans and soybean products; to amend Section 2-8-88 of the Code of Alabama 1975, so as to increase the intervals between referendums on the assessments imposed on the sale of soybeans for such promotion from three to five years; to amend Section 2-8-91 so as to delete the three percent of the total assessment that the buyer collects for handling said assessments; to repeal Section 2-8-93, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale; and to provide for a referendum within 90 days of the effective date hereof.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 961. (With Amendment): To amend further § 2-7-31 Code of Alabama 1975 which relates to prizes and premium awards at agricultural fairs so as to increase the maximum amount authorized to be paid to the members of the Special Awards Committee for Fairs for per diem and travel allowance in any fiscal year.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 984. Relating to elections; providing that no political party, except those parties qualified under Title 17, Chapter 16 of the Code of Alabama 1975, shall be included on any general election ballot unless the party shall have filed with the secretary of state at least 120 days prior to any such general election a list of the signatures of at least one-fourth of one percent of the electors of the state, district, county or other political subdivision in which the political party seeks to qualify candidates for office, and unless the party shall have fulfilled all other applicable requirements of federal, state or local laws.

The above bill was read a second time at length as required by the Constitution.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 521. (With Substitute) (With Amendment): To propose and provide for the submission of an amendment to Section 65 of the Constitution of Alabama of 1901.

The above bill was read a second time at length as required by the Constitution.

Rep. Gilmer, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 926. To amend Section 32-10-8 of the Code of Alabama 1975, so as to require the social security number of drivers involved in accidents on the uniform accident report form.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 511. Relating to the City of Foley in Baldwin County; authorizing the utilities board of the City of Foley to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this Act from the jurisdiction and control of the Alabama Public Service Commission.

S. 530. Relating to Cleburne County; providing further for hospital service for the indigent in the county; authorizing the expenditure of funds to doctors who will engage in the practice of medicine in the county as an inducement to same, and providing for its retroactive effect.

H. 882. Relating to Shelby County; providing for a referendum on the question of replacing the probate judge as chairman of the county governing body; further providing for the salary, term of office, vacancy, bond, and election of said chairman.

H. 923. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

H. 954. Relating to Marengo County; providing for an additional allowance for election officials who work at polling places.

H. 955. Relating to Marengo County; providing for an expense allowance for members of the Board of Education and repealing Act No. 212, H. 591, 1957 Regular Session, (Acts 1957, p. 269).

H. 956. Relating to Marengo County; providing further for the expense allowance and mileage for the chairman and members of the county board of equalization; providing such payments shall be payable from state and local funds as provided by law; and giving the provisions of the Act retroactive effect.

H. 957. To repeal Act No. 355, H. 896 of the 1969 Special Session (Acts 1969, Vol. I, p. 728), entitled, "An Act To apply only in counties having populations of not less than 27,000 nor more than 30,000; providing expense allowances for members of the county board of equalization payable from the general funds of the county; and giving the act retroactive effect."

H. 963. Relating to Clarke County; providing an additional expense allowance for the tax collector and tax assessor of the county, as set by the county commission.

H. 966. Relating to Fayette County; giving the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individuals or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 967. (With Amendment): To amend and re-enact Act No. 79-574, H. 995, 1979 Regular Session (Acts 1979, p. 1022), entitled, "An Act relating to Cullman County; to establish a county personnel board; to provide for the appointment, and compensation of the members; and to provide for the powers, duties and authority of the personnel board in the personnel administration of the county," to provide further for said personnel board.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 968. To provide for increased revenue for roads and bridges in Cullman County in the event no state general bill becomes effective for such purpose by defining the circumstances under which the Cullman County

Commission shall be authorized to levy and provide for the collection of an additional tax of not more than two cents on motor fuels and to provide for distribution and use of the proceeds from the tax.

H. 970. To amend further Act No. 1247, H. 1642, Regular Session 1971 (Acts 1971, p. 2147), relating to the issuance of pistol permits in Cullman County so as to correct a Code citation in such act.

H. 972. Relating to Lawrence County; to allow the use of dogs and/or buck shot in shotguns in deer hunting outside of wildlife management hunting areas, or on certain privately owned land lying inside wildlife management hunting areas.

H. 973. Relating to Lawrence County; to abolish the office of license inspector; to place the powers, duties and functions of said office in the county commission of said county; to provide for the disposition of fees accruing from the performance of the duties of license inspectors; and to provide for the employees to carry out this act.

H. 974. Relating to Lawrence County; providing for an additional allowance for election officials who work at polling places.

H. 975. Relating to Lawrence County; to authorize the county commission to hire an appraiser to conduct ad valorem tax appraisal work on behalf of the tax assessor's office.

H. 978. Relating to Monroe County; amending Act No. 1830, H. 2479, 1971 Regular Session (Acts 1971, p. 2996) entitled "An Act To provide for the compensation of the chief clerk of the judge of probate in Monroe County," so as to increase said compensation.

H. 981. Relating to Cherokee County; providing salaries for the Chairman and associate members of the Cherokee County Commission; providing for travel allowance for out of County travel for all members of the County governing body; and repealing Act No. 523 and Act No. 664 of the 1976 Regular Session.

H. 982. Relating to Cherokee County; to provide further for the expense allowance and compensation of certain county officers.

H. 999. Relating to Cherokee County; to provide an expense allowance for the coroner, and to provide that such allowance shall convert to a salary increase beginning with the next term of office of the coroner.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 949. To provide for the relief of Marjorie Armstrong by granting to her the extraordinary disability allowance provided by Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts, 1951, pp. 1591-1592), as amended; to state the reasons for granting such allowance; to provide for the periods during which such allowance shall be payable; and to prescribe the conditions and limitations applying to such allowance.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 654. (With Amendment): To fix the compensation or salary of the treasurer of any county having a population of 600,000 or more according to the last federal census or any subsequent federal census, and to provide for the payment thereof.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 550. To provide a supplemental salary for the Circuit Clerk serving the Tenth Judicial Circuit.

H. 575. Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) as amended by Act 499, Regular Session 1979, an Act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

Rep. Zoghby, Vice-Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 831. (With Amendment): Relating to Mobile County; to provide for additional expense allowances for the chairman and members of the Board of Equalization.

Rep. Zoghby, Vice-Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 832. Relating to Mobile County; to provide that a person will be subject to arrest and prosecution for theft if he picks up a dog wearing a collar and tag which identifies the owner and the person fails to return the dog or notify the owner of his possession of the dog.

H. 833. Relating to Mobile County; prohibiting the hunting of unantlered deer.

H. 857. Relating to Mobile County; providing for the compensation of the county treasurer.

Rep. Zoghby, Vice-Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 875. (With Substitute) (With Amendment): To amend Section 16 (a) (b) (1) (2) (3) (c) (d) and add Section 30, of Act No. 243, H. 278, First Special Session, 1964, as amended, which establishes the Pension and Relief System for policemen and firemen of the City of Mobile, by adjusting the pension benefits to be received by the surviving spouse of certain members of the Police and Fire Departments of the City of Mobile and by providing a refund of contribution made by any member of said departments in the event of said member's death prior to said member's spouse becoming eligible for a survivor's benefit, and providing for a refund of contributions made by any

member whose employment with said department is terminated prior to death; and to provide that any city employee who is transferred to the Police or Fire Departments upon compliance with certain requirements will be given credit for all years of service with the City of Mobile on the Pension Roll of the Policemen and Firemen Pension and Relief Fund.

Rep. Zoghby, Vice-Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 890. Relating to the use of computer technology and equipment to enter, alphabetize, store, maintain, transmit electronically and generally prepare the various index records of the Probate Court of Mobile County as an alternative to the card or strip indexing system authorized by Act 460, 1957 Regular Session of the Alabama Legislature.

H. 917. To provide that an idle speed zone for boats be established on a portion of Halls Mill Creek in Mobile County.

H. 983. To alter or rearrange the boundary lines of the Town of Creola, Mobile County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

H. 991. To set a penalty of a one thousand dollar fine and a six month term in jail for any person convicted of unlawfully possessing a firearm in Mobile County.

H. 992. To authorize, provide for, and regulate the furnishing of office space and secretarial assistants to the legislative delegation in Mobile County.

Rep. Zoghby, Vice-Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 997. (With Amendment): To apply to Mobile County and require only gas districts organized and incorporated by a municipality to pay interest on deposits paid by customers situated within the territory served by such gas district.

Rep. Gregg, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 859. Relating to the Twenty-third Judicial Circuit consisting of Madison County; to provide for the parking of jurors and to provide for the assessment, collection and use of additional taxes as court costs and to further provide for the distribution of such taxes to defray the expense of juror and criminal witness parking.

H. 860. Pertaining to Madison County; to repeal Act Number 84, S. 62, Fourth Special Session 1975 (Acts. p. 2728).

H. 871. Relating to Madison County, Alabama; to amend Act No. 488, H. 706, Regular Session 1978 (Acts, p. 530) so as to provide that any person released from jail under Section 1 of Act 488 shall pay to the County a sum equal to 25% of his or her gross earnings earned while so released.

H. 911. To amend Act No. 1862, H. 2686, Regular Session 1971 (Acts, p. 3024), relating to all counties having population of not less than 175,000 nor more than 300,000, so as to authorize the Director of the County License Department created thereunder to charge and collect a fee not to exceed \$1.00 for each motor vehicle license tag issued by mail in addition to all other fees prescribed by law; and repealing conflicting laws.

H. 988. To Amend Act Number 940, H. 1956, 1973 Regular Session (1973 Acts, p. 1445) entitled "An Act Relating to Madison County and the Twenty-Third Judicial Circuit; pertaining to Solicitor's or District Attorney's Fund" so as to further regulate the distribution of such fund.

Rep. Wyatt, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 962. Relating to the City of Montgomery in Montgomery County; to authorize the City of Montgomery to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within such city, to be a public nuisance; to abate or cause to be abated the same; and, to create a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating same.

Rep. Sasser, Vice-Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 440. (With Substitute) (With Amendment): To be known as the Alcoholic Beverage Licensing Code; to further regulate and control alcoholic beverage transactions in wet counties in Alabama under the supervision of the alcoholic beverage control board; to authorize the board to license others to engage in alcoholic beverage transactions in accordance with the provisions of this Code; to provide for application for, and the issuance and renewal of, and regulation of the grant of licenses; to authorize the sale of alcoholic beverages by the licensees of the board; to impose, levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, import, wholesale or retail sale of alcoholic beverages; to prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws relating to manufacturer, sale, possession or transportation of alcoholic beverages and of regulations of the board; to proscribe unlawful acts and offenses and to provide for punishment therefor; and to repeal laws or parts of laws in conflict herewith.

Rep. Sasser, Vice-Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 697. (With Amendment): To amend Section 40-13-5 and 40-13-6 of the Code of Alabama 1975 relating to the deposit, disbursement and refund of the proceeds from certain coal severance taxes so as to provide that such proceeds that were formerly refunded shall be expended for grain handling facilities at the various state docks facilities throughout Alabama.

Rep. Sasser, Vice-Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 900. To provide in addition to benefits now received, a graduated percentage cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1979, provided that no person whose retirement under the Employees' Retirement System is based primarily upon service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be financed from existing funds of the Employees' Retirement System and the Teachers' Retirement System; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the repeal of conflicting laws.

Rep. Sasser, Vice-Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

S. 170. (With Substitute): To provide that the State of Alabama shall provide for the personal protection of state employees against civil liability arising out of motor vehicle operation in connection with their employment; to provide for the method of insuring or reimbursing them for the costs of such insurance; and to prohibit any public officer or state employee in a supervisory capacity from requiring any employee to operate a state vehicle unless the employee is so insured.

H. 814. (With Substitute): To amend Act No. 574 of the 1957 Regular Session of the Legislature of Alabama (Ala. Acts 1957, Vol. II, pp. 797-798) to authorize the Department of Finance; Division of Service Mail and Supply Room Revolving Fund to be used to purchase janitorial supplies, to provide that said revolving fund shall be reimbursed for the reasonable expenses incurred in administering and handling said supplies and postage, and to increase the appropriation to said revolving fund.

Reps. Sasser, Vice-Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 770. To provide for bringing certain employees of the disability determination division of the state department of education into the classified service of the state merit system.

H. 101. To make an annual appropriation to Miss Wheelchair Alabama Pageant, Inc., to provide scholarships to contestants in the Miss Wheelchair Alabama Pageant and to pay expenses associated with sponsoring and promoting the Miss Wheelchair Alabama Pageant.

Rep. Sasser, Vice-Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 458. (With Substitute): Relating to the feeding of prisoners by sheriffs; to amend Section 14-6-42, Code of Alabama 1975, which provides for the daily allowance for feeding prisoners, so as to increase said allowance and to repeal Sections 14-6-44, 14-6-45, and 14-6-46, Code of Alabama 1975, which further provide for said allowance and reporting of such by the sheriffs.

Rep. Sasser, Vice-Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 473. (With Amendment): To provide that the state salary payable to clerks and registers of the circuit court shall be increased by \$1,800.00 beginning on October 1, 1980; to amend Section 12-17-92, Code of Alabama 1975, which section relates to supplemental salaries of circuit court clerks, so as to eliminate the requirement that the counties maintain the salaries of circuit clerks at the same relationship which their salaries bore to salaries of the circuit judges on January 16, 1977; to provide that circuit clerks and registers shall be entitled to receive all future cost-of-living increases granted to state employees, generally; and to appropriate such funds as may be necessary to pay such increase.

H. 846. (With Amendment): To adjust salaries of Alabama State Troopers to bring those salaries to a level equaling the compensation received by Alabama state law enforcement personnel of other state agencies; to appropriate money to implement this act and to repeal conflicting law.

H. 542. (With Amendment): To enact into law the "Alabama Energy Management and Conservation Act of 1980"; to make a legislative finding that the development and management of energy resources requires a comprehensive and coordinated effort on the part of the state; to create an Alabama Department of Energy within the executive branch to be administered by a director to be appointed by the Governor; to prescribe the Department's duties which are to formulate a state energy policy, to report regularly to the Governor and annually to the legislature, to inventory the state's energy requirements and supplies, to formulate a state energy management program, to formulate an energy emergency plan, to monitor and/or administer energy related programs, to serve as an energy information clearing-house, to keep proprietary information confidential, to administer educational and training programs, to review state government energy practices, to assist state institutions when applying for energy related contracts, to review the state's revenue-producing practices for their impact on energy use and development, to provide for research, to receive federal and private funds, to enter into contracts, and to promulgate rules requiring the submission of energy related information, and to ensure energy conservation in state government, and to establish advisory groups; to create an Energy Advisory Council for purposes of evaluating state energy policy and advising the department; to provide for the assumption of the Energy Management Board's funds and contract; to provide for funding through appropriations from the general fund; and to prescribe sanctions for persons violating the provisions of the act.

Rep. Sasser, Vice-Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 904. To amend Section 32-6-4, Code of Alabama 1975, as amended to increase fee from ten to fifteen dollars for a four-year driver license or identification card.

H. 905. To amend Section 32-7-4, Code of Alabama 1975, to increase the fee for an abstract of a operating record from \$2.00 to \$3.00.

H. 985. To amend Section 41-9-450 of the Code of Alabama 1975, relating to the Sports Hall of Fame Board, so as to further provide for membership on the board.

Rep. Sasser, Vice-Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to wit:

H. 56. (With Amendment): To amend Section 37-1-11 of the Code of Alabama 1975, which relates to the compensation of the president and associate members of the Alabama Public Service Commission, so as to increase said compensation.

H. 398. (With Amendment): To amend Sections 11-43-189 and 11-43-190 of the Code of Alabama 1975, as amended, relating to civil service merit systems for law enforcement officers.

Rep. Sasser, Vice-Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 578. (With Substitute): To amend Act No. 79-688, H. 540, Regular Session 1979 (Acts 1979, p. 1217), which Act divests the state highway department of certain duties relating to the construction, maintenance and repair of public roads in certain counties previously known as "captive counties," and which revests such duties in the respective county governing bodies, so as to authorize certain persons who are transferred from state employment to elect, at their discretion, to either be paid for their accumulated sick leave as is provided in Section 36-26-36, Code of Alabama 1975, or to transfer such accumulated sick leave to their respective county retirement systems if available.

Rep. Sasser, Vice-Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 937. To make an appropriation from the state general fund for the relief of Patricia Rutherford who was gravely injured as a result of a bullet fired by a member of the Alabama National Guard in the aftermath of Hurricane Frederic.

By Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 979. To regulate the registration and identification of certain mobile homes in Chambers County and to prescribe penalties for violation of the provisions of this act.

H. 986. Relating to the 8th Judicial Circuit; to provide an additional expense allowance to each court reporter.

H. 987. Relating to Morgan County; providing further for the salaries of the chairman and members of the county commission, effective after the present term.

H. 993. Relating to Morgan County; to amend Section 1 of Act No. 733, S. 811, Regular Session 1977 (Acts 1977, p. 1279) which regulates the compensation of the members of the county board of registrars, so as to provide further for such compensation.

H. 994. Relating to Morgan County; to provide for the mailing addresses of the grantors and grantees to appear on all conveyances of real property recorded in the probate office of such county.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Grimsley, Williams, Carothers, Sasser and Ray:

H. J. R. 202. MOURNING THE DEATH OF MR. MAJOR WATT ESPY, SR., PROMINENT ALABAMA BUSINESSMAN, BANKER AND CIVIC LEADER.

WHEREAS, the Legislature of Alabama has grievously noted the death of Mr. Major Watt Espy, Sr., of Headland, Alabama, on April 3, 1980, at the age of 72; and

WHEREAS, a native and lifelong resident of Headland, Mr. Espy was educated in his community's public schools and was a graduate of Howard College in Birmingham, now Samford University, at the age of just 18 years; following college and U.S. Navy Reserve duty, he entered business in his hometown of Headland; and

WHEREAS, he later and long served as Executive Vice President, then President of the Headland National Bank and, at the time of his death, was also Chairman of the board of directors; and

WHEREAS, as president of Espy Mercantile Company, Mr. Espy headed the oldest business, founded in 1902, in Headland; he further was president of the Headland Stockyards, Espy Fertilizer Company and the Headland Bonded Warehouse, with extensive farming interests as well; and

WHEREAS, he was a deacon in the First Baptist Church of Headland, a former Sunday School Superintendent for 26 years, former member of the Federal Reserve Bank of Atlanta's Birmingham Branch and a former president of the Alabama Banker's Association; and

WHEREAS, in addition to membership and active involvement in numerous civic and charitable organizations, Mr. Espy was an avid and longtime supporter of the athletic programs in Headland as well as the Boy Scouts of America; he was a trustee of Samford University, a member of the Board of Directors of the Life Insurance Company of Alabama and was a member of the Henry County Chapter of the Alabama Cattlemen's Association in addition to various other memberships and offices of responsibility, both locally and statewide; and

WHEREAS, a former Alabama State Senator from 1943-1947, Mr. Espy was the third generation of his family to serve as a member of the Alabama Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mr. Major Watt Espy, Sr., of Headland, Alabama, and extend our most heartfelt sympathy not only to his family but to his many friends and fellow citizens who were privileged to know and to love this outstanding Alabamian.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Edith Vann Espy, with copies also to their two sons and two daughters that they, and other family members, may know we grievously share the sorrow of their great loss.

On motion of Rep. Grimsley, the rules were suspended and the resolution, H. J. R. 202, was adopted.

Also:

By Rep. Cabaniss:

H. R. 203. WHEREAS, Section 110 of the Constitution of Alabama, as amended by Amendment No. 375 to the said Constitution, provides in part as follows:

"... the Legislature may ... enact and change from time to time a general schedule of not more than eight classes of municipalities based on population according to any designated federal decennial census, and after the enactment of such a general schedule, general laws for any purposes may be enacted for any such class ...

"No general law which at the time of its enactment applies to only one municipality of the state shall be enacted. . . . unless notice of the intention to apply therefor shall have been given and shown as provided in Section 106 of this Constitution for special, private or local laws; provided, that such notice shall not be deemed to constitute such law a local law"; and

WHEREAS, acting pursuant to the quoted provisions of the said Section 110, as so amended, the Legislature did enact, at its 1979 Regular Session, Act No. 79-263 which established eight classes of municipalities based on population according to the 1970 federal decennial census; and

WHEREAS, one of the eight classes of municipalities so established by the said Act No. 79-263 consists of municipalities having a population of 300,000 or more, according to the said 1970 federal decennial census; and

WHEREAS, it appears from the said 1970 federal decennial census that the City of Birmingham is the only municipality in Class 1 as established by the said Act No. 79-263; and

WHEREAS, the Journal of the House of Representatives of the current session of the Legislature shows

(a) the introduction of House Bill No. 931, (i) which by its terms relates to any municipality in Class 1 of the eight classes of municipalities established as aforesaid by the said Act No. 79-263, and (ii) which is, accordingly a general law under the provisions of the said Section 110, as so amended, and

(b) certification as to publication of the said House Bill No. 931 pursuant to the publication requirements of Section 106 of the Constitution with respect to a local law;

WHEREAS, important constitutional questions affecting the entire State of Alabama are presented by the said House Bill No. 931 (a copy of which is attached hereto and made a part hereof by reference), since its validity involves the validity of Amendment No. 375 to Section 110 of the Alabama Constitution;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of Alabama that the Justices of the Supreme Court of Alabama are hereby respectfully requested to render their opinion, as provided by Section 12-2-10 of the Code of Alabama of 1975, on the following important constitutional questions:

(1) Was there a failure on the part of the Legislature of Alabama to direct (either in Act No. 11, 1978 Second Special Session, the act that proposed the said Constitutional Amendment No. 375, or by other means) the manner in which notice of the election on said Constitutional Amendment be published, as contemplated by the provision of Section 284 of the Constitution, as amended, that such notice "be published in every county in such manner as the Legislature shall direct"?

(2) If question (1) is answered in the affirmative, is Constitutional Amendment No. 375 invalid because not adopted in accordance with the quoted provision of the said Section 284, as amended?

(3) If question (2) is answered in the affirmative and if, accordingly, Section 110 of the Alabama Constitution has not been amended and now exists in its original form, is House Bill No. 931 a proposed local law, within the meaning of the said Section 110?

(4) If both questions (2) and (3) are answered in the affirmative and if, accordingly, House Bill No. 931 is a proposed local law, within the meaning of the said Section 110, is House Bill No. 931 invalid under the provisions of Section 104(18) of the Alabama Constitution?

On motion of Rep. Cabaniss, the rules were suspended and the resolution, H. R. 203, was adopted.

Also:

By Reps. Sasser, Williams and Barton:

H. J. R. 204. NAMING THE UNIT TRAINING EQUIPMENT SITE NUMBER TWO AT FORT RUCKER, ALABAMA, THE "SALIBA-WARD UNIT TRAINING EQUIPMENT SITE."

WHEREAS, the Legislature of Alabama notes with deep appreciation the honorable service of Alabama guardsmen Thomas S. Saliba and James H. Ward to the State of Alabama and to our nation, both during combat and in time of peace; and

WHEREAS, these two dedicated individuals, both of whom have held the rank of Lieutenant Colonel in the Alabama Army National Guard, are longtime members of the Guard with LTC Ward serving continuously since 1940 and LTC Saliba from 1937 until 1972; and

WHEREAS, it is further to be noted that these officers, Ward and Saliba, each played an initial and instrumental role in the Guard's efforts to obtain training areas at Fort Rucker, Alabama, for use by the Alabama National Guard; as a result of their efforts full time Unit Training Equipment Sites were soon established in the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary service to our state and nation, we hereby name and designate the unit training equipment site number two at Fort Rucker, Alabama, the "Saliba-Ward Unit Training Equipment Site."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized to erect and maintain appropriate signs and markers so designating said site as the "Saliba-Ward Unit Training Equipment Site."

RESOLVED FURTHER, That copies of this resolution be forwarded to LTC James H. Ward and to LTC Thomas S. Saliba in token of our appreciation and as evidence of this honorary designation.

On motion of Rep. Sasser, the rules were suspended and the resolution, H. J. R. 204, was adopted.

Also:

By Rep. McCorquodale:

H. J. R. 205. COMMENDING AND CONGRATULATING THE GROVE HILL ACADEMY REBELS ON THEIR CLASS 1A STATE FOOTBALL CHAMPIONSHIP.

WHEREAS, indeed to be commended are the Grove Hill Academy Rebels who ended their outstanding 1979 football season with a 10-2 and 1 record, overall, and the Class 1A State Championship in the Alabama Private School Association and

WHEREAS, Head Coach Donnie Jones and his Assistant Coach, Hugh Bryan, directed their team not only to a big winning season and the Championship, but also to an awesome average of twenty-one points per game; and

WHEREAS, each and every member of the team is deserving of much credit for the part he played in capturing the crown and for the glory he shares with his team, his classmates, faculty, parents and many fans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the Grove Hill Academy Rebels State 1A Football Champions of the Alabama Private School Association.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate school display with copies also sent to Coaches Jones and Bryan on behalf of all their State Champion Rebels, of whom we are truly and justly proud.

On motion of Rep. McCorquodale, the rules were suspended and the resolution, H. J. R. 205, was adopted.

Also

By Reps. Smith (C), McKee, Dixon, Daniels, Wyatt, Manley, McMillan, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird Langford, Letson, Lewis McCorquodale, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

H. J. R. 206. COMMENDING GOVERNOR FOB JAMES, MS. CAROLINE S. CAVANAUGH AND THE EMPLOYEES OF THE ALABAMA BUREAU OF PUBLICITY AND INFORMATION.

WHEREAS, it is to be commendably noted that 1979 was a banner year of travel, both to and within Alabama, with tourism producing an estimated \$2.2 billion for the Alabama economy, the best year ever for our state; and

WHEREAS, it is to be further noted that this tremendous sum, reflecting an increase of 29 percent over previous years, accounted for approximately 17 percent, more than \$85 million, of Alabama's retail sales tax collections, not including state taxes on gasoline; and

WHEREAS, as a result of the tremendous promotion efforts of the Bureau of Publicity and Information, more Alabamians are traveling their own State than ever before; a recent study also indicates that though the majority of out-of-state tourists are from other Southern states, the citizens of our country's north central region are the next largest source of tourism in Alabama, as a result of highly effective publicity and promotion; and

WHEREAS, not only is "travel" our state's largest industry, but is one that is a major source of employment as well as revenue; some 60,000 of our citizens are directly employed as a result of tourism in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in appreciation, we most highly commend Ms. Caroline S. Cavanaugh, Director, and the employees of the Bureau of Publicity and Information, for the outstanding success of their efforts in 1979.

BE IT FURTHER RESOLVED, That Ms. Cavanaugh receive a copy of this resolution, on behalf of her department's employees, and that a copy also be sent to Governor James in commendation of his appointment of Ms. Caroline Cavanaugh as Director of the Bureau of Publicity and Information.

On motion of Rep. Smith (C), the rules were suspended and the resolution, H. J. R. 206, was adopted.

Also:

By Rep. Pegues:

H. J. R. 207. WHEREAS, there is in place in Alabama, a State Health Planning and Development mechanism charged with reviewing and approving the acquisition or development of health care facilities and health

care services, and substantial capital expenditures which by necessity are reflected in potentially increased charges to the Medicaid Program and all other citizens of the State; and

WHEREAS, this Health Planning and Development mechanism through its Certificate of Need program is attempting to prohibit construction or operation of unnecessary or duplicative health care facilities and health care services; and

WHEREAS, the Legislature recognizes such efforts of Health Planning and Development mechanism to identify and to implement only those components of a health care delivery system deemed necessary to assure available, quality care as an integral part of the Legislature's own concern for the health of the State's citizens; and

WHEREAS, Health, Education and Welfare has recently issued three Certificates of Need contrary to the position taken by the State Health Planning and Development Agency; and

WHEREAS, the State Health Planning and Development Agency is requesting of Health, Education and Welfare a reconsideration.

NOW, THEREFORE BE IT RESOLVED, that the Legislature express its support of the State's Health Planning and Development mechanism and formally request that the Department of Health, Education and Welfare in its oversight capacity be equally supportive of the State's internal efforts to guarantee all Alabama citizens quality health care services at the lowest possible cost.

On motion of Rep. Pegues, the rules were suspended and the resolution, H. J. R. 207, was adopted.

Also:

By Rep. Pegues:

H. J. R. 208. TO MAKE APPLICATION TO THE CONGRESS OF THE UNITED STATES OF AMERICA TO CALL A CONSTITUTIONAL CONVENTION FOR THE SOLE AND EXCLUSIVE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA TO PROVIDE THAT UNLESS ADOPTED AS LAW BY THE CONGRESS, FEDERAL RULES AND REGULATIONS ADOPTED BY AN ADMINISTRATIVE BODY OR AN OFFICIAL IN THE EXECUTIVE BRANCH OF THE UNITED STATES GOVERNMENT SHALL NOT BE THE SUPREME LAW OF THE LAND AND SHALL NOT BE SUPERIOR IN EFFECT TO ANY STATE LAWS OR PROVISIONS OF STATE CONSTITUTIONS.

WHEREAS, under present Supreme Court rulings, a federal rule or regulation adopted by an administrative body or federal official can have the effect of repealing, nullifying or pre-empting a state statute or constitutional provision; and

WHEREAS, the federal bureaucracy hastily decrees rules and regulations which entangle business enterprise, restrain free competition, inflate the costs of goods and cause confusion in all fields of endeavor; and

WHEREAS, the spread of federal rule by regulation has serious, dire implications for the continuance of a truly federal system of laws where states are free to exercise their sovereign powers; and

WHEREAS, it is imperative that the states of this nation unite to preserve and protect the responsibilities, powers and duties of states, which are the bastions of democracy, form the entangling, restricting, ever growing web of federal rules and regulations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama does hereby make formal application to the Congress of the United States of America pursuant to Article V of the Constitution of the United States of America to call a constitutional convention for the sole purpose of proposing an amendment to the Constitution of the United States to read as follows:

"Article _____. Federal rules and regulations.

"Unless adopted as law by the Congress, federal rules and regulations adopted by an administrative body or an official in the executive branch of the government of the United States shall not be the supreme law of the land and shall not be superior in effect to any state laws or state constitutional provisions."

BE IT FURTHER RESOLVED, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the United States Congress, and to the members of the congressional delegation from the State of Alabama.

On motion of Rep. Pegues, the rules were suspended and the resolution, H. J. R. 208, was adopted.

Also:

By Rep. Riddick, Patton, Roberts, Adams (C), Starkey, Stewart, and Smith (M):

H. J. R. 209. WHEREAS the fundamental freedoms of the citizens of Alabama, and their fellow Americans are embodied in the concept of "Private Property Rights—Protect Them." and

WHEREAS in the entire American free enterprise system, this concept is perhaps nowhere more personally meaningful than in the right of every citizen to own real property, and

WHEREAS this cherished legacy, bequeathed to us by virtue of our forefathers' foresight and wisdom, carries a concomitant obligation to preserve the land upon which our lives depend, and

WHEREAS it is only by sustaining the land and perpetuating our Constitutional rights to it that each of us can continue to enjoy its bounty and ensure the same privileges for the generations that will succeed us, and

WHEREAS the fulfillment of this obligation is consistently demonstrated by the commitment and concern of the Alabama Association of Realtors in assisting Alabama residents who wish to exercise their rights to own real property, and

WHEREAS Realtors nationwide have, since 1956, participated in an annual observance to celebrate the right of Americans to own real property and enjoy the benefits it bestows, and

WHEREAS this observance, called Private Property Week, is a special time set aside each year to remind Americans that we not only have the right to own real property, but an individual responsibility to guard this prerogative from any infringement, personal or political, and

WHEREAS it is the conscientious and persistent vigilance of every citizen of the state of Alabama that will enable us to maintain these satisfactions we derive from the political rights we possess,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, Do hereby commend the observance of April 13 to 19 as Private Property Week and encourage all Alabamians to join with the Alabama Association of Realtors and its 10,000 members throughout Alabama during this meaningful observance and take an active part in appropriate and significant programs of state and civic betterment during this week and throughout the year.

On motion of Rep. Riddick, the rules were suspended and the resolution, H. J. R. 209, was adopted.

Also:

By Reps. Naramore and Bennett:

H. J. R. 210. COMMENDING MRS. LOTTIE LOWERY AS ALABAMA'S "MOTHER OF THE YEAR."

WHEREAS, Mrs. Lottie Lowery of Jasper has been named Alabama's Mother of the Year for 1980; and

WHEREAS, Mrs. Lowery will represent the State of Alabama at the National American Mother of the Year observance sponsored by the American Mother's Committee in Phoenix, Arizona; and

WHEREAS, a dedicated school teacher for over 37 years, Mrs. Lowery attended both Florence State Teachers College and Jacksonville State Teachers College; and

WHEREAS, the unexpected death of her husband left her to raise two young children to whom she had to be both mother and father as well as family breadwinner; and

WHEREAS, Mrs. Lowery, who sent both children through college, retired at age 73; and

WHEREAS, her dedication to family is paralleled only by her duty to the Methodist Church of Jasper where she has served for over 50 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate Mrs. Lottie Lowery on her selection as "Alabama Mother of the Year" for 1980.

BE IT FURTHER RESOLVED, That the Legislature of her home state wishes her well in her participation in the national "Mother of the Year" Awards in Phoenix, Arizona.

RESOLVED FURTHER, That in addition to Mrs. Lowery, copies of this resolution be sent to her children, Mr. Dennis Lowery of Jasper and Mrs. Mary Jo Callahan of Birmingham, and to Mrs. Eulalia Vess, State Chairman of the Alabama Mothers Association.

On motion of Rep. Naramore, the rules were suspended and the resolution, H. J. R. 210, was adopted.

Also:

By Rep. Naramore:

H. J. R. 211. CONGRATULATING MISS DIEADRE MONIQUE KEY, ALABAMA'S JUNIOR MISS FOR 1980.

WHEREAS, it is with pleased concurrence that the Legislature of Alabama notes the January, 1980 selection of Miss Dieadre Monique Key of Walker County as Alabama's Junior Miss for 1980; and

WHEREAS, This beautiful, talented and charming young lady is a senior at Walker High School where she maintains an excellent scholastic average and is active in many school organizations and student activities; and

WHEREAS, Miss Key, who is the 17-year-old daughter of Mr. and Mrs. Kenneth G. Key of Jasper, will indeed most ably represent and bring credit to our state in national competition to be held June 30 through July 2, 1980, in Mobile, Alabama; Now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Miss Dieadre Monique Key on her prestigious selection as our 1980 Alabama Junior Miss, and thereby our state's lovely and talented representative in the forthcoming national contest for the title of America's Junior Miss.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Miss Key, and to her parents, that they may know of our high praise and warm wishes for every future success.

On motion of Rep. Naramore, the rules were suspended and the resolution, H. J. R. 211, was adopted.

Also:

By Rep. Zoghby:

H. R. 212. REQUESTING GOVERNOR AND MRS. JAMES' COOPERATION WITH THE GOVERNOR'S MANSION BOARD AND ITS SPECIAL COMMITTEE TO PROPERLY FURNISH ALABAMA'S OFFICIAL GOVERNOR'S RESIDENCE.

WHEREAS, we Alabamians, though proud of our state, cannot take pride in the Governor's Mansion in Montgomery which, regrettably, ill compares with the beautiful and appropriately furnished executive mansions of our neighboring states; Mississippi, Tennessee, Georgia, Louisiana and Florida; and

WHEREAS, the Governor's Mansion Advisory Board was created by the Alabama Legislature in 1972 to be a non-partisan committee to oversee the maintenance and improvement of our Governor's Mansion and its furnishings; and

WHEREAS, the Legislature provided funds, which were matched by funds of HUD, for the renovation of the house itself and to repair damages resulting from two fires and years of neglect; no provisions, however, were made for furnishing the mansion as befitting the home of Alabama's first families; and

WHEREAS, a statewide committee of some of our state's most prominent and civic-minded private citizens volunteered to serve as an ad hoc committee to raise necessary funds from private sources to acquire the proper period furnishings with no cost to the state; this committee, called "The Friends of the Mansion," was formed and through publicity and personal solicitation succeeded in bringing the problem situation of the mansion to the people of Alabama; and

WHEREAS, funds to furnish the mansion have been pledged, made available from private sources, and this was accomplished at no cost whatsoever to the taxpayers of Alabama; though funded since 1978, the committee has not yet been permitted to function and to complete its purpose; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That we hereby most respectfully request Governor and Mrs. Fob James to cooperate with the Governor's Mansion Board, and its special committee, in their efforts as Alabama citizens to restore their mansion to its former splendor and thus a source of pride to all of Alabama and to the future first family residents of our official Governor's Mansion.

BE IT FURTHER RESOLVED, That Governor and Mrs. James be advised, by copy of this resolution, of the desire of the Legislature with regard to the restoration of the Alabama Governor's Mansion.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Zoghby offered the motion to suspend the rules and adopt the resolution, H. R. 212.

DIVISION OF THE QUESTION

Rep. Venable called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES AND ADOPT

The question was then on the motion offered by Rep. Zoghby to suspend the rules in order to take up for immediate consideration the resolution, H. R. 212, and the motion was lost, lacking a four-fifths vote.

Yeas 21; Nays 17.

Yeas:

Mr. Speaker, Albright, Blake, Campbell, Drinkard, Edwards, Hall, McMillan, Mitchell, Naramore, Penry, Reed, Seibels, Smith (C), Smith (M), Stewart, Trammell, Turner, Williams, Willis and Wyatt.

—21

Nays:

Reps.: Adams (H), Barton, Cabaniss, Clark (G), Dial, Hammett, Harper (O), Holley, Howard, Jackson, Johnson (R. G.), Manley, Olive, Parker, Pegues, Rains, and Shoemaker.

—17

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. R. 212, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Cooley and Bowling:

H. R. 213. MOURNING THE DEATH OF MRS. LILLIE BELL SPARKS OF CULLMAN, ALABAMA.

Also:

By Reps. Cooley and Bowling:

H. R. 214. COMMENDING CULLMAN COUNTY'S FARM-CITY COMMITTEE.

Also:

The following resolutions were introduced:

By Reps. Cooley and Bowling:

H. J. R. 215. COMMENDING CULLMAN COUNTY'S FARM-CITY COMMITTEE.

WHEREAS, the citizens of Alabama annually, during farm-city week, recognize the vital link between our rural and urban neighbors, and the Alabama Legislature notes that one county in particular has helped make the November event one of the greatest celebrations in our nation; and

WHEREAS, Cullman County's Farm-City Committee has built a program which has earned both state and national honors; recognized in 1979 as having the most outstanding committee in the state and sharing this honor in 1978, the committee also received awards of excellence in both of these years from the National Farm-City Council in Illinois; and

WHEREAS, it is the unprecedented growth of Cullman County's celebration which is so phenomenal since the county first became active in Farm-City during 1973 with Dwight Webb of the Rural Electrification Cooperative as chairman; and

WHEREAS, at that time, with fewer than 100 citizens involved in the program participation grew under the leadership of Mr. Webb and successive chairmen, including John Kilgo of Farm Bureau, Bob Spears of the extension service, Mike Cornett of the Soil Conservation Service and James King, an independent businessman; and

WHEREAS, in 1978, with the management of Mr. Cornett, the annual Farm-City banquet had actually outgrown the largest facilities in Cullman County; with more than 600 people in attendance that year, it was necessary that Mr. King's committee locate an arena to seat more than 900 guests; and

WHEREAS, the size of the committee itself has also shown tremendous growth, as starting with less than 6 members in 1973, the Cullman County committee now has 78 members representing a variety of urban and rural occupations; and

WHEREAS, the committee members work hard throughout the entire year to provide outstanding radio, television and newspaper coverage and further plan Farm-City tours, exhibits and contests for Cullman school children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding dedication, we hereby most highly commend the efforts of the Cullman County Farm-City Committee and voice our support as the committee continues to strengthen the bonds between our urban and rural neighbors.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the Cullman County Farm-City Committee as evidence of our appreciation, high praise and esteem.

On motion of Rep. Cooley, the rules were suspended and the resolution, H. J. R. 215, was adopted.

Also:

By Rep. Starkey:

H. R. 216. URGING THAT THE MEDICAL SERVICES ADMINISTRATION BE PROHIBITED FROM IMPLEMENTING POLICIES, RULES OR REGULATIONS WITHOUT CONSULTATION, INPUT AND PUBLIC HEARINGS.

WHEREAS, Alabama Health Care Providers continually strive to provide the best and most economical health care to our citizens; and

WHEREAS, Medical Services Administration directly influences the health care provided to these citizens; and

WHEREAS, through this influence, Medical Services Administration promulgates policies, rules and regulations affecting the health care of the citizens; and

WHEREAS, as an example, policies, rules and regulations have been instituted requiring dual licensing of skilled nursing facilities, a requirement directly affecting patient placement, potentially increasing cost and lowering the standard of patient care; and

WHEREAS, These policies, rules and regulations are applied without consultations, public hearings, or input from the affected health care facilities; now therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That Medical Services Administration be prohibited from implementing any policies, rules or regulations without consultation, input, and public hearings to be held at least 60 days prior to implementation, and that all affected institutions be notified by certified mail of time and place of such hearings.

BE IT FURTHER RESOLVED, That in the case of all skilled nursing facilities not presently licensed as dual licensed facilities, such requirement be delayed until such public hearings can be held.

RESOLVED FURTHER, That copies of this resolution be forwarded to the Commissioner of The Medical Services Administration and to Governor James that they may know of this body's desire with regard to procedures of Medical Services Administration.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Starkey offered the motion to suspend the rules and adopt the resolution, H. R. 216.

DIVISION OF THE QUESTION

Rep. Pegues called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Starkey to suspend the rules in order to take up for immediate consideration the resolution, H. R. 216, and the motion was lost.

Yeas 4: Nays 20.

Yeas: Reps. Dial, Letson, Patton and Penry.

—4

Nays:

Reps.: Cabaniss, Carothers, Clark (G), Cosby, Drinkard, Hall, Hammett, Holley, Howard, Johnson (R. G.), Manley, Olive, Owens, Parker, Pegues, Rains, Seibels, Shoemaker, Stewart and Turner.

—20

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. R. 216, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Adams (C):

H. R. 217. MOURNING THE DEATH OF MR. OTIS W. TAFF OF PHENIX CITY, ALABAMA.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Smith (J):

H. 1001. Proposing an amendment to the Constitution of 1901, relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Madison County.

The above bill was read a first time at length as required by the Constitution.

By Rep. Campbell:

H. 1002. To amend Section 9, Act No. 620, H. 711, Acts of Alabama, Regular Session 1978, so as to provide that the governing body as defined in said Act, may be resolution, add to the court costs in civil and criminal cases in the circuit, district and municipal courts, a fee, not to exceed \$5.00, which would be charged and collected as other court costs in such cases and used by said governing body to provide funds to support the public corporation established by said act.

Judiciary.

By Rep. Kelley:

H. 1003. To allow a member of the state employees' retirement system to receive creditable service for time while on an approved leave of absence without pay.

Ways and Means.

By Rep. Turnham:

H. 1004. To amend Section 34-8-22 of the Code of Alabama 1975 relating to the state licensing board for general contractors so as to further provide for the per diem of the members of the board.

Ways and Means.

By Reps. McMillan, Penry and Whatley:

H. 1005. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

Ways and Means.

By Reps. Coburn, Greer and Cobb:

H. 1006. To provide for the levy and collection of a sales tax upon the sale of soft drinks and soft drink syrups offered for sale in bottles, cans, or containers; to provide for the regulation and collection of said tax by the Department of Revenue; and to provide for the distribution of proceeds from said tax.

Ways and Means.

By Rep. Hines:

H. 1007. To amend Section 5-2-6 of the Code of Alabama, 1975, in order to reduce from five to two the number of years of experience in the banking field the superintendent of banks must have prior to his appointment.

Banking.

By Reps. Shoemaker, Dial, Moore and Johnson (R. G.) (With Notice and Proof):

H. 1008. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1008, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Smith (M) and Bedsole:

H. 1009. To allow any licensed barber of this state to elect to be licensed by the Alabama board of cosmetology under the provisions of Title 34, Chapter 7 of the Code of Alabama 1975, and thereafter to be subject to all the rules and regulations promulgated thereunder.

Health.

By Reps. Cooley and Bowling (With Notice and Proof):

H. 1010. Relating to Cullman County, to provide for expense allowance for the Board of Registrars, Jury Commission, and Board of Equalization.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1010, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Cooley and Bowling (With Notice and Proof):

H. 1011. To amend Act No. 895, S. 775, Regular Session 1978 (Acts of Alabama 1978, p. 1332), providing for the salaries of certain county officers of Cullman County, so as to further provide that such salaries shall be in lieu of all other compensation, expense allowances, fees, commissions, percentages or other emolument of any nature whatsoever. Provided, however, said officers shall continue to receive additional compensation granted by certain portions of Acts of previous legislative sessions.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1011, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Laird (With Notice and Proof):

H. 1012. Relating to Chambers County; to authorize the county commission to impose a privilege or license tax upon the sale, use or consumption of malt or brewed beverages; to provide for the administration and enforcement of this act; and to provide for the rate and distribution of the proceeds of the tax.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1012, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Dial, Johnson (R. G.), Clark (G), Shoemaker, Pegues, Sasser and Grimsley:

H. 1013. To repeal Chapter 31 of Title 34 of the Code of Alabama 1975 (Sections 34-31-1 through 34-31-17, Code of Alabama 1975) which chapter establishes the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors and provides for the regulation of the practice of design, construction or installation of heating and air conditioning equipment and roofing and sheet metal.

Ways and Means.

By Rep. Naramore (With Notice and Proof):

H. 1014. Relating to selling and redeeming lands for taxes in Walker County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1014, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Naramore (With Notice and Proof):

H. 1015. Relating to Walker County: To amend Sections 3, 4, 9 and 10 and repeal Sections 8, 11 and 12 of Act 356, S. 502, 1971 Regular Session approved August 19, 1971 (Acts 1971, p. 652) as amended, which provides for the construction, maintenance and repair of public roads and bridges in Walker County, so as to earmark ninety five percent of all revenue received by the Walker County Commission from the coal severance tax provided for in Act No. 598 H. 643, 1977 Regular Session (Acts 1977 p. 799) for use and the maintenance in construction of roads in Walker County effective October 1, 1978; so as to provide funds in the County road and bridge fund equally among the commission districts of the county; and, so as to make certain powers vested in the county engineer, subject to the approval of a majority of the members of the County Commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1015, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Naramore (With Notice and Proof):

H. 1016. To amend Act No. 79-680, H. 1001, 1979 Regular Session (Acts 1979, p. 1211) to provide that supplemental salary for circuit judges paid by the County comprising the Fourteenth Judicial Circuit, shall not be considered in determining relationship between Circuit Clerk and District Judges and Circuit Judges of the Fourteenth Judicial Circuit.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1016, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Naramore (With Notice and Proof):

H. 1017. (Acts of 1973, p. 1098) as amended, "To revise and reenact Act No. 1504, S. 1103, Regular Session 1971, (Acts 1971, page 2589, Vol IV), entitled 'Relating to counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the fee for issuance of a pistol permit by the sheriff, and providing for the disposition and use of such fees'; so as to transfer \$150 per month from the law enforcement fund to the district attorney's funds in such counties.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1017, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Naramore (With Notice and Proof):

H. 1018. To levy a finance charge or a tax of five cents per acre to be assessed against lands located in Walker County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Walker County; and prescribing the procedure for the collection of such assessments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1018, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Edwards (With Notice and Proof):

H. 1019. To authorize the Wilcox County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost therefor, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1019, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Naramore and Carter:

H. 1020. To provide for the placement of all junior colleges and technical schools under the control and direction of the State Board of Education.
Education.

By Rep. Reed (With Notice and Proof):

H. 1021. Relating to Macon County; providing an annual expense allowance for the judge of the district court; and giving this act retroactive effect to October 1, 1979.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1021, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 1022. Relating to Macon County; providing for an additional expense allowance for the members of the board of registrars of said county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1022, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 1023. Relating to Macon County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such county; and to provide penalties for violations.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1023, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 1024. Relating to Macon County; to provide for the clerical assistance to the tax assessor; and to make this act retroactive to October 1, 1979.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1024, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 1025. Relating to Macon County; to provide for the clerical assistance to the tax collector; and to make this act retroactive to October 1, 1979.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1025, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hines (With Notice and Proof):

H. 1026. To allow prospective jurors in capital cases to be excused without the presence of the defendant in the Twenty-first Judicial Circuit of Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1026, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hines (With Notice and Proof):

H. 1027. Relating to Escambia County; to further provide for the compensation of the board of registrars.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1027, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hines (With Notice and Proof):

H. 1028. To amend Section 1 of Act No. 594, H. 991, Regular Session 1965 (Acts of Alabama 1965, p. 1115), so as to further provide for the compensation of the Escambia County board of equalization.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1028, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hines (With Notice and Proof):

H. 1029. Relating to Escambia County; providing further for the compensation of the chairman and members of the county commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1029, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hines (With Notice and Proof):

H. 1030. Relating to Escambia County; to provide for an expense allowance for the sheriff of the county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1030, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hines (With Notice and Proof):

H. 1031. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Escambia County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1031, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

The above bill was read a first time at length as required by the Constitution.

By Reps. Smith (C), McKee and Laird:

H. 1032. Proposing an amendment to the Constitution of Alabama restricting all even-year regular sessions of the legislature to the subjects of local legislation and the budgets, commencing with the 1982 regular session of the legislature and limiting such sessions to 15 legislative days and 60 calendar days.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Rep. Owens:

H. 1033. To establish the Office of State Planning and Federal Programs; to provide for the efficient coordination of and cooperation in the programs of the various governmental agencies, political subdivisions of the state, private groups and institutions, engaged within this state in promoting the human, economic, and physical resources of the state or in the several regions or areas thereof; to provide for the efficient and coordinated procurement and use by state governmental agencies, political subdivisions of the state, instrumentalities, and institutions of loans, grants, and other forms of assistance from the federal government; to provide for the appointment of the Director of State Planning and Federal Programs and the employees of the Office of State Planning and Federal Programs; to define the powers and duties of the Office of State Planning and Federal Programs; to provide for the compensation and benefits of said employees; to transfer to the Office of State Planning and Federal Programs all functions, powers, authority and duties and all the books, records, supplies, equipment, personnel, and property and assets of whatsoever nature, heretofore had, exercised, used or employed by the Alabama Development Office in the pursuit of the functions herein delineated, including: 1) state planning and programming; 2) proposing or designating areas for the purposes of administering programs which receive aid under federal acts in various political subdivisions or regions; and 3) area-wide planning, review and advise on projects, coordination, and informational services for state and federal grant-in-aid programs; to specifically state the legislative intent is to maintain and retain all the powers, duties, responsibilities, personnel, property and assets of whatsoever nature, not involved in federal programs and federal grants and federal assistance, in the Alabama Development Office, and in the director of the Alabama Development Office, as the case may be, and that Alabama Development Office shall retain all of its authority, powers, duties, responsibilities, and functions for industrial development; to authorize the governor to transfer, from the general fund of the state treasury from funds currently available unencumbered and designated as federal revenue sharing or other federal funds, or from other unencumbered funds appropriated from the legislature for the current use by the governor, such amounts, as he deems necessary to implement the provisions of this act, to the office of State Planning and Federal Programs; to prescribe that the governor shall have certain duties, powers, and responsibilities therefor; to repeal all laws and parts of laws in conflict with this act.

Ways and Means.

By Rep. Owens:

H. 1034. To abolish the state industrial board and to transfer certain of its powers, duties, functions and authority, together with records, property and funds and assets of whatsoever nature, to the Alabama industrial development advisory board; to create the Alabama industrial development advisory board and to provide for the powers, authority, appointment, terms, removal from office, and compensation of the members of such board; to provide that the board will consist of seven members at-large, appointed by the governor who shall be the chairman thereof; to provide that the board shall advise and consult with the governor and director of Alabama development office relative to industrial and commercial development and programs therefor, including facilitation of foreign investment within the state; to transfer to the Alabama industrial development advisory board those duties and powers prescribed in Section 41-9-183 of the Code of Alabama, 1975, except those prescribed for the office of state planning and federal programs by legislative act; to amend Section 41-9-184 of the Code of Alabama, 1975, relating to the bureau of publicity and information, so as to require the director to cooperate in matters of economic expansion and promotion with the Alabama industrial development advisory board and the director of Alabama development office; and to repeal conflicting laws.

Ways and Means.

By Rep. Owens:

H. 1035. To amend Sections 41-9-201 and 41-9-202 of the Code of Alabama 1975, relating to the Alabama development office, so as to further provide for the composition, the powers and duties thereof, and to allow the director to appoint additional assistant directors outside of the classified service, and to bring certain additional industry-related agencies under said office.

Ways and Means.

By Rep. Owens.:

H. 1036. To amend Section 32-6-130 of the Code of Alabama 1975 which relates to disabled veterans' license plates, so as to provide for the free issuance of said plates to certain disabled veterans.

Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Gafford:

H. J. R. 218. CONDEMNING A PRACTICE OF DEPARTMENT AND/OR AGENCY HEADS, REQUIRING SUBORDINATES' ATTENDANCE AT SOCIAL FUNCTIONS.

WHEREAS, it has been called to the attention of members of the Legislature that it is the practice of certain Alabama department and/or agency heads to require attendance by subordinates at various social functions that have no connection whatsoever with the business of the State of Alabama; and

WHEREAS, it is the consensus of this body that no employee of this state should be required, through direct order, innuendo or implied coercion, to attend any social function and, most particularly, one that is not even given in direct connection with a seminar, or other educational meeting attended by personnel of the various departments and agencies of the State of Alabama; and

WHEREAS, the Legislature is of the further opinion that the appointing authority of department and agency heads in Alabama would also abhor such a practice and would wish to take disciplinary action against any individual mandating a subordinate's presence at a function entirely social in aspect; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in condemnation of the above described practice, we hereby urge the Governor of Alabama to express his disapproval of required attendance at social functions by state employees and to further discipline any appointee of his administration in violation of his wishes and of those of the Alabama Legislature.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Governor James and to the directors of all departments and agencies of the state.

The resolution, H. J. R. 218, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Holmes:

H. J. R. 219. EXPRESSING APPRECIATION TO THE ROTUNDA TELEPHONE OPERATORS FOR THEIR COURTEOUS ASSISTANCE TO MEMBERS OF THE LEGISLATURE.

WHEREAS, as in past years, our telephone operators stationed in the Rotunda, whose services are provided by South Central Bell, have been a great help to all members of the Legislature; and

WHEREAS, never failing in courtesy, Ms. Mildred Auxford, Ms. Mildred Griffin and Ms. Ann Stephenson have expertly and efficiently handled untold numbers of calls, for the Legislature, delivering messages with unerring dependability and with as little delay as possible; and

WHEREAS, the availability and convenience of this very necessary central message center has been invaluable to the Alabama Legislature, and to such a degree that it would be difficult to imagine having to function without this service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express deep appreciation to Mesdames Auxford, Griffin and Stephenson for their courteous assistance to the members of the Legislature.

BE IT FURTHER RESOLVED, That these ladies be presented with copies of this resolution in token of appreciation, our warm praise and high regard.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Holmes offered the motion to suspend the rules and adopt the resolution, H. J. R. 219.

DIVISION OF THE QUESTION

Rep. Gafford called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Holmes to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 219, and the motion was lost, lacking a four-fifths vote.

Yeas 10; Nays 5.

Yeas:

Reps.: Cheatwood, Gilmer, Hilliard, Holmes, Horn, Howard, Kennedy, Langford, Rains and Ray.

—10

Nays: Reps.: Gafford, Letson, Moore, Payne and Seibels.

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. J. R. 219, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER

The House then proceeded with the consideration of the Special Order Calendar.

And the bill:

H. 340. (With Substitute) (With Amendments): To further amend Section 1 of Act No. 458, H. 1175, Regular Session 1975 (Acts of Alabama 1975, p. 1085), as amended, relating to the election of certain assistant county officials of Jefferson County to serve in the branch offices in the City of Bessemer so as to remove the provisions relative to the deputy sheriff; and to specifically repeal Act No. 607, H. 923 and Act No. 661, H. 990, of the 1978 Regular Session (Acts 1978, pp. 863 and 953, respectively), and other conflicting laws.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 2, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To further amend Section 1 of Act No. 458, H. 1175, Regular Session 1975 (Acts of Alabama 1975, p. 1085), as amended, relating to the election of certain assistant county officials of Jefferson County to serve in the branch

offices in the City of Bessemer so as to remove the provisions relative to the deputy sheriff; and to specifically repeal Act No. 607, H. 923 and Act No. 661, H. 990, of the 1978 Regular Session (Acts 1978, pp. 863 and 953, respectively), and other conflicting laws.

Be it Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 458, H. 1175, Regular Session 1975 (Acts of Alabama 1975, p. 1085) is hereby amended to read as follows:

"Section 1. (a) Those deputy or assistant county officials serving in the branch offices in the City of Bessemer in Jefferson County, maintained as required by Act No. 490, H. 1566, Regular Session (General Acts of Alabama 1915, p. 549), hereafter listed shall, in lieu of being appointed by the principal county officers, be elected and nominated in the same manner that the circuit judges sitting at Bessemer and the deputy district attorney of the Bessemer Division of Jefferson County are nominated and elected, as follows, by the qualified voters of the territory over which the circuit court of the tenth judicial circuit sitting at Bessemer has and exercises jurisdiction; and each of such officials shall at the time of his election and during his term of office reside within the territory from which he is elected:

"(1) Assistant Tax Collector shall be elected at the general election held on the first Tuesday after the first Monday in November 1984, and every six years thereafter.

"(2) Assistant Tax Assessor shall be elected at the general election held on the first Tuesday after the first Monday in November 1984, and every six years thereafter.

"(3) Deputy Treasurer shall be elected at the general election held on the first Tuesday after the first Monday in November 1984, and every four years thereafter.

"(4) Assistant Probate Judge shall be elected at the general election held on the first Tuesday after the first Monday in November 1984, and every six years thereafter.

"(b) The duties and compensation of such officials shall be the same as heretofore provided by law.

"(c) Each principal county officer may summarily remove his deputy or assistant, elected as prescribed above, only if he has good and valid reasons for believing that such deputy or assistant is guilty of one of the offenses for which the principal may be impeached; and if he does remove such deputy or assistant the principal officer shall immediately notify the judge of probate of the county of the vacancy and the judge of probate shall call a special election, to be held not less than 30 nor more than 45 days thereafter, to fill such vacancy."

Section 2. Act No. 607, H. 923 and Act No. 661, H. 990 of the 1978 Regular Session (Acts 1978, pp. 863 and 953, respectively), are specifically repealed, and all laws or parts of laws which are in direct conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part or parts of this Act are declared invalid or unconstitutional, such declaration shall not affect that part that remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 16; Nays 0.

Yeas:

Reps.: Amari, Bennett, Boles, Clark (G), Gilmer, Greer, Jackson, Lewis, Olive, Payne, Seibels, Stewart, Trammell, Tucker, Willis and Zoghby.

—16

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. B. 340 as substituted, page 2, Section 1, line 31, by adding after the word "vacancy" the following:

"Those voting for the election of the assistant tax collector, assistant tax assessor, deputy treasurer, and assistant probate judge in the Bessemer Court House shall not vote in the elections of the prinicipal county officers."

And the amendment was adopted.

Yeas 16; Nays 0.

Yeas:

Reps.: Amari, Bennett, Boles, Cates, Clark (W), Greer, Harper (O), Jackson, Lewis, Olive, Payne, Seibels, Trammell, Tucker, Willis and Wyatt.

—16

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. B. 340 as substituted and amended, on page 2, Section 1(a), line 8, by adding after the word "elected" the following:

"Such officials shall satisfy the same qualifications of those offices in the Jefferson County Courthouse located in Birmingham. This provision shall not apply to any person holding one of these offices at the time this act may become law."

And the amendment was adopted.

Yeas 16; Nays 0.

Yeas:

Reps.: Amari, Bennett, Boles, Brakefield, Clark (W), Greer, Horn, Howard, Jackson, Lewis, Olive, Payne, Seibels, Trammell, Willis and Wyatt.

—16

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 340 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 15; Nays 1.

Yeas:

Reps.: Amari, Bennett, Boles, Crow, Gilmer, Horn, Jackson, Lewis, Olive, Patton, Payne, Seibels, Trammell, Willis and Wyatt.

—15

Nay: Rep. Gafford.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 390. To provide a supplemental salary for the elected deputy circuit clerk serving the Bessemer Cut-Off Division of the Tenth Judicial Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 16; Nays 0.

Yeas:

Reps.: Amari, Bennett, Boles, Crow, Gafford, Greer, Horn, Howard, Jackson, Lewis, Olive, Seibels, Trammell, Waggoner, Willis and Wyatt.

—16

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Waggoner, the rules were suspended in order to take up out of order the bill, S. 329.

Yeas 10; Nays 1.

Yeas:

Reps.: Amari, Bennett, Gafford, Howard, Lewis, Moore, Olive, Seibels, Trammell and Waggoner.

—10

Nay: Rep. Cheatwood.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 329. To authorize the governing body of any county having a population of 600,000 according to the 1970 or any subsequent Federal decennial census to pay the actual cost of replacing any clothing or equipment of a deputy sheriff, probation officer or juvenile detention officer of the county that is damaged or destroyed while such officer is engaged in the performance of his official duties and acting within the line and scope of his authority.

Was read a third time at length and passed.

Yeas 14; Nays 0.

Yeas:

Reps.: Amari, Clark (W), Gafford, Harper (O), Hines, Howard, Lewis, Moore, Olive, Payne, Sandusky, Seibels, Trammell, and Waggoner.

—14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES

Rep. Seibels offered the motion to suspend the rules and take up out of order the bill, H. 520.

DIVISION OF THE QUESTION

Rep. Tucker called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Seibels to suspend the rules in order to take up out of order the bill H. 520, and the motion was lost, lacking a four-fifths vote.

Yeas 10; Nays 5.

Yeas:

Reps.: Amari, Bennett, Gafford, Howard, Lewis, Moore, Payne, Seibels, Trammell and Waggoner.

—10

Nays: Reps.: Cheatwood, Horn, Jackson, Olive and Tucker.

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 894. Relating to Dale County; to provide for an additional expense allowance for the members of the board of equalization, board of registrars and the jury commission of said county and to provide for the number of days that the jury commission shall be in session.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 26; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Carothers, Cates, Clark (W), Cosby, Dial, Edwards, Ford, Gafford, Gilmer, Greer, Johnson (R. G.), Minus, Moore, Owens, Pegues, Roberts, Sasser, Shoemaker, Stewart, Trammell, Venable and Waggoner.

—26

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 801. Relating to Marshall County; providing for an additional allowance for election officials who work at polling places.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 22; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Bennett, Blake, Cobb, Cosby, Ford, Greer, Hall, Johnson (R. G.), Kelley, Letson, Olive, Rains, Ray, Sasser, Shoemaker, Stewart, Warren, Willis, Wyatt and Zoghby.

—22

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 848. To alter or rearrange the boundary lines of the Town of Douglas, Marshall County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 32; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Blake, Brakefield, Cabaniss, Cheatwood, Clark (W), Cobb, Cosby, Crow, Edwards, Ford, Greer, Hall, Holley, Kelley, Kennedy, Letson, Minus, Olive, Parker, Pegues, Rains, Sandusky, Shavers, Shoemaker, Starkey, Stewart, Willis and Wyatt.

—32

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 938. Relating to Bibb County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 34; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Blake, Brakefield, Cabaniss, Cheatwood, Cosby, Crow, Greer, Grouby, Hall, Harper (O), Johnson (R. G.), Johnson (Roy), Kelley, Letson, McKee, Minus, Mitchell, Moore, Olive, Owens, Parker, Ray, Sandusky, Sasser, Shoemaker, Stewart, Warren, Willis, Wyatt and Zoghby.

—34

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 939. Relating to Bibb County, to provide further for taxing and collecting of certain additional court costs for district and circuit court cases, and to deposit such costs to the county general fund for jail and courtroom facilities.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 27; Nays 0.

Yeas:

Mr. Speaker, Barton, Bennett, Blake, Cabaniss, Cheatwood, Cosby, Crow, Greer, Grouby, Hall, Harper (O), Johnson (Roy), Kelley, Manley, Moore, Olive, Owens, Parker, Payne, Ray, Sasser, Smith (J), Stewart, Venable, Willis and Wyatt.

—27

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 940. Relating to Bibb County; providing that the expense allowances of the county governing body provided for by Act No. 79-378, H. 868, 1979 Regular Session (Acts 1979, p. 600), shall be paid from the gasoline tax fund allocated to the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 28; Nays 0.

Yeas:

Mr. Speaker, Barton, Bennett, Blake, Brakefield, Cabaniss, Cheatwood, Cosby, Crow, Greer, Hall, Harper (O), Johnson (R. G.), Kelley, Letson, Mitchell, Moore, Olive, Owens, Parker, Penry, Sandusky, Sasser, Shoemaker, Smith (J), Stewart, Venable and Wyatt.

—28

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 941. Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 31; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Blake, Brakefield, Cabaniss, Cheatwood, Clark (G), Cosby, Crow, Greer, Hall, Harper (O), Johnson (R. G.), Kelley, Kennedy, Letson, Manley, Minus, Mitchell, Moore, Naramore, Owens, Parker, Reed, Sasser, Shoemaker, Smith (J), Stewart and Wyatt.

—31

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 942. Relating to Bibb County; providing an additional expense allowance for the secretary of the board of Equalization.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Carter, Cheatwood, Clark (G), Coburn, Cosby, Crow, Dial, Greer, Grouby, Hall, Harper (O), Johnson (R. G.), Kelley, Laird, Letson, Manley, Mitchell, Moore, Naramore, Olive, Parker, Roberts, Sasser, Shoemaker, Smith (J), Stewart, Trammell, Venable, Ward, Warren, Willis and Wyatt.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 943. Relating to Bibb County; providing an additional expense allowance for the county superintendent of education which shall be in lieu of the dwelling now furnished to said superintendent; and to make the expense allowance provision of this act retroactive.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 30; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Barton, Blake, Brakefield, Cabaniss, Carter, Cheatwood, Clark (G), Cosby, Crow, Dial, Greer, Hall, Harper (O), Kelley, Laird, Letson, Manley, Mitchell, Moore, Naramore, Roberts, Smith (J), Stewart, Venable, Ward, Warren, Willis and Wyatt.

—30

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 947. Relating to Blount County; further providing for the costs and charges in criminal proceedings in any court of the county and repealing Act No. 406, H. 132, Regular Session 1975 (Acts 1975, p. 1005).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Blake, Brakefield, Cabaniss, Carter, Cheatwood, Clark (G), Coburn, Cosby, Dial, Greer, Grouby, Hall, Harper (O), Harvey, Johnson (R. G.), Kelley, Letson, McKee, Manley, Mitchell, Moore, Naramore, Olive, Patton, Roberts, Sasser, Shoemaker, Smith (J), Stewart, Trammell, Venable, Waggoner, Ward, and Wyatt.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 953. (With Amendment): To extend, alter, and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 953, on page 1, beginning on line 22, by striking Tract 1 in its entirety, and renumbering the remaining two tracts.

And the amendment was adopted.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bennett, Blake, Brakefield, Cabaniss, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Dial, Greer, Grouby, Hall, Harper (O), Johnson (R. G.), Kelley, Laird, Letson, Manley, Mitchell, Moore, Naramore, Parker, Payne, Roberts, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Warren and Wyatt.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 953 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Carter, Cheatwood, Clark (G), Coburn, Cosby, Dial, Greer, Grouby, Hall, Harper (O), Kelley, Kennedy, Laird, Letson, Lewis, Manley, Mitchell, Naramore, Payne, Roberts, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Venable, Waggoner, Warren and Wyatt.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 533. (With Substitute) (With Amendments): To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981.

Was taken up.

MOTION TO POSTPONE TABLED

On motion of Rep. Owens, the motion offered by Rep. Johnson (R) to postpone consideration of the bill, H. 533 with pending substitute and amendments to the twenty-fourth legislative day, was tabled.

Yeas 68; Nays 20.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cosby, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (T), Harvey, Hines, Horn, Jackson, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Stout, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

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Nays:

Reps.: Boles, Buskey, Cheatwood, Clark (W), Cooley, Crow, Hilliard, Holley, Holmes, Howard, Johnson (Roy), Kennedy, Langford, Mitchell, Smith (C), Smith (M), Trammell, Tucker, Turner and Wyatt.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 202. MOURNING THE DEATH OF MR. MAJOR WATT ESPY, SR., PROMINENT ALABAMA BUSINESSMAN, BANKER AND CIVIC LEADER.

Also:

H. J. R. 205. COMMENDING AND CONGRATULATING THE GROVE HILL ACADEMY REBELS ON THEIR CLASS 1A STATE FOOTBALL CHAMPIONSHIP.

Also;

H. J. R. 206. COMMENDING GOVERNOR FOB JAMES, MS. CAROLINE S. CAVANAUGH AND THE EMPLOYEES OF THE ALABAMA BUREAU OF PUBLICITY AND INFORMATION.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 204. NAMING THE UNIT TRAINING EQUIPMENT SITE NUMBER TWO AT FORT RUCKER, ALABAMA, THE "SALIBA-WARD UNIT TRAINING EQUIPMENT SITE."

Also:

H. J. R. 207. EXPRESSING SUPPORT OF THE STATE'S HEALTH PLANNING AND DEVELOPMENT MECHANISM.

Also:

H. J. R. 210. COMMENDING MRS. LOTTIE LOWERY AS ALABAMA'S "MOTHER OF THE YEAR."

Also:

H. J. R. 211. CONGRATULATING MISS DIEADRE MONIQUE KEY, ALABAMA'S JUNIOR MISS FOR 1980.

Also:

H. J. R. 215. COMMENDING CULLMAN COUNTY'S FARM-CITY COMMITTEE.

Also:

H. J. R. 199. CREATING THE ELMORE COUNTY FIRE DISTRICT STUDY COMMISSION.

Also:

H. J. R. 209. COMMENDING THE OBSERVANCE OF APRIL 13-19 AS PRIVATE PROPERTY WEEK.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 655. Relating to Walker County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 744. Relating to Winston County; to provide that the minimum salary of the chief clerks for the probate judge, sheriff, tax assessor and tax collector be set at \$750.00 per month to be paid in the same manner that such clerks are now being paid; to allow the county commission to authorize cost of living raises for such clerks; to give this act retroactive effect to October 1, 1979, and to make the bill effective upon the repeal of Amendment No. 255 of the State Constitution.

Also:

H. 749. Relating to Randolph County; to provide for the filling of a vacancy by appointment of the Governor or a special election called by the Governor in municipal offices not otherwise provided for by law, and in the county offices of sheriff, county superintendent of education, county commissioners, tax collector and tax assessor when such vacancy occurs with 50% or more of the term remaining.

Also:

H. 789. Relating to Limestone County; providing a personnel system governing the hiring, removal, salaries, promotions, demotions, training and official conduct of all employees of the county; defining violations of the Act, and imposing penalties for violations thereof.

Also:

H. 790. Relating to Limestone County; to provide further for the salary of the county superintendent of education, effective upon the next term of office of said officer.

Also:

H. 791. Relating to Limestone County; providing that the county coroner shall have the authority to appoint a deputy coroner who shall serve in the absence of the coroner.

Also:

H. 796. Relating to Choctaw County; amending the title and Sections 1 and 4 and repealing Section 5 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), relating to the appointment of the county superintendent of education, so as to provide further for the appointment and compensation of such officer.

Also:

H. 826. To authorize the Randolph County Commission to determine the qualifications for the county engineer, provided, such qualifications meet the minimum requirements under the state law regarding engineers, and to provide that the engineer does not have to be qualified as a land surveyor in order for the state highway department to participate in the payment of a portion of said county engineer's salary. This act shall have retroactive effect.

Also:

H. 837. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Trinity in Morgan County.

Also:

H. 840. To amend Sections 4, 16 and 24 of Act No. 13 of the 1947 Regular Session (Local Acts 1947, p. 7) as amended, relating to the Phenix City Municipal pension and relief system for the benefit of firemen and policemen so as to restore the original retirement benefits to certain firemen and policemen employed prior to May 1, 1978; to provide for purchasing prior service credit; to provide that an amount equal to a total of 11.4 percent of the salary of firemen and policemen shall be paid into said fund monthly by said city out of the city treasury; and to provide further for proration of benefits in the event of insufficiency of money in the fund.

Also:

H. 841. Relating to Phenix City; to amend sections 3.05, 5.14, 5.17, and 5.26, and to repeal section 5.19 of Act No. 71, H. 114, Regular Session 1977 (Acts 1977, p. 78), as amended, which provides for a council manager form of government in certain municipalities based on a population classification, so as to further provide for the compensation of the mayor and council members; to provide that the city manager shall sit with the planning board in certain meetings; to further provide for classifications of anticipated revenues; and to further provide methods for comparing proposed expenditures with expenditures from other years.

Also:

H. 842. To alter, rearrange and extend the boundary lines and corporate limits of the City of Anniston, in Calhoun County, Alabama.

Also:

H. 847. Relating to Morgan County; to amend further Act No. 280, H. 739, 1959 Regular Session (Acts 1959, p. 842), entitled, "An Act To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Morgan County, Alabama," so as to further provide for said financing by increasing the costs and charges of court.

Also:

H. 855. Relating to Calhoun County; to provide an additional expense allowance for the coroner.

McDOWELL LEE,
Secretary.

H. 533 RESUMED

Rep. Owens offered the following substitute to the bill, H. 533 with pending substitute reported by the Standing Committee on Ways and Means:

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981.

Be It Enacted by the Legislature of Alabama:

Section 1. The monies in Section 2 are appropriated from the named funds for the 1980-81 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the needs of an identified clientele, or group of recipients or beneficiaries.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act on 1976, Act No. 494, 1976 Regular Session. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State Employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

A. LEGISLATIVE:

1. Examiners of Public Accounts,
Department of:

(a) Legislative Support—Audit
Services Program

2,530,020

SOURCE OF FUNDS:

(1) State General Fund	<u>2,530.020</u>	
Total Department of Examiners of Public Accounts	<u>2,530,020</u>	<u>2,530,020</u>

2. Legislative Council:

(a) Legislative Operations and Support Program		50,000
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(For Operations of the Council including out-of-state travel by Council members and members of the Legislature authorized to attend Legislative conferences by joint resolution of the Legislature)

SOURCE OF FUNDS:

(1) State General Fund	<u>50,000</u>	
Total Legislative Council	<u>50,000</u>	<u>50,000</u>

3. Legislative Fiscal Office:

(a) Legislative Operations and Support Program		334,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>334,000</u>	
Total Legislative Fiscal Office ...	<u>334,000</u>	<u>334,000</u>

4. Legislative Reference Service:

(a) Legislative Operations and Support Program		494,401
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SOURCE OF FUNDS:

(1) State General Fund	<u>494,401</u>	
Total Legislative Reference Service	<u>494,401</u>	<u>494,401</u>

5. Legislature:

(a) Senate Operations and Support Program		1,000,000
(b) House Operations and Support Program		1,500,000

SOURCE OF FUNDS:

(1) State General Fund	<u>2,500,000</u>	
Total Legislature	<u>2,500,000</u>	<u>2,500,000</u>

B. JUDICIAL:

1. Court of Civil Appeals:

(a) Court Operations Program ..		458,497
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SOURCE OF FUNDS:

(1) State General Fund	458,497	
Total Court of Civil Appeals	458,497	458,497

2. Court of Criminal Appeals:

(a) Court Operations Program ..		683,989
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SOURCE OF FUNDS:

(1) State General Fund	683,989	
Total Court of Criminal Appeals .	683,989	683,989

3. District Attorneys:

(a) Court Operations Program ..		5,000,000
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The proposed spending plan included in the above total is as follows:

Salaries of District

Attorneys 1,287,000

Salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit 31,000

Salary of the appointed Assistant Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit 4,143

Salaries and expenses of Supernumerary District Attorneys 475,000

For use in the District Attorney's Office of the 1st Judicial Circuit 47,732

For use in the District Attorney's Office of the 2nd Judicial Circuit 52,308

For use in the District Attorney's Office of the 3rd Judicial Circuit 55,560

For use in the District Attorney's Office of the 4th Judicial Circuit 224,677

For use in the District Attorney's Office of the 5th Judicial Circuit 146,320

For use in the District Attorney's Office of the 6th Judicial Circuit 106,540

For use in the District Attorney's Office of the 7th Judicial Circuit 81,649

For the use in the District Attorney's Office of the 8th Judicial Circuit	66,236
For use in the District Attorney's Office of the 9th Judicial Circuit	76,060
For use in the District Attorney's Office of the 10th Judicial Circuit	164,800
For use in the District Attorney's Office of the 11th Judicial Circuit	58,800
For use in the District Attorney's Office of the 12th Judicial Circuit	58,526
For use in the District Attorney's Office of the 13th Judicial Circuit	135,185
For use in the District Attorney's Office of the 14th Judicial Circuit	65,050
For use in the District Attorney's Office of the 15th Judicial Circuit	218,593
For use in the District Attorney's Office of the 16th Judicial Circuit	67,000
For use in the District Attorney's Office of the 17th Judicial Circuit	42,200
For use in the District Attorney's Office of the 18th Judicial Circuit	78,303
For use in the District Attorney's Office of the 19th Judicial Circuit	51,000
For use in the District Attorney's Office of the 20th Judicial Circuit	84,300
For use in the District Attorney's Office of the 21st Judicial Circuit	44,441
For use in the District Attorney's Office of the 22nd Judicial Circuit	60,000
For use in the District Attorney's Office of the 23rd Judicial Circuit	167,658

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For use in the District Attorney's Office of the 24th Judicial Circuit	65,713
For use in the District Attorney's Office of the 25th Judicial Circuit	44,131
For use in the District Attorney's Office of the 26th Judicial Circuit	106,000
For use in the District Attorney's Office of the 27th Judicial Circuit	78,605
For use in the District Attorney's Office of the 28th Judicial Circuit	50,000
For use in the District Attorney's Office of the 29th Judicial Circuit	74,400
For use in the District Attorney's Office of the 30th Judicial Circuit	82,200
For use in the District Attorney's Office of the 31st Judicial Circuit	45,400
For use in the District Attorney's Office of the 32nd Judicial Circuit	46,375
For use in the District Attorney's Office of the 33rd Judicial Circuit	42,000
For use in the District Attorney's Office of the 34th Judicial Circuit	31,175
For use in the District Attorney's Office of the 35th Judicial Circuit	42,100
For use in the District Attorney's Office of the 36th Judicial Circuit	51,900
For use in the District Attorney's Office of the 37th Judicial Circuit	70,800
For use in the District Attorney's Office of the 38th Judicial Circuit	66,120
For use in the District Attorney's Office of the 39th Judicial Circuit	28,000

Appropriations of Salaries of Personnel Established by Statute are estimated.

Travel Expense of District Attorneys 50,000

Telephone Service, Stationery, Stamps and necessary Office supplies for Office use of District Attorneys, Deputy District Attorneys or Assistants (Provided, however, that none of this appropriation shall be expended for books and equipment purchases). 75,000

5,000,000

SOURCE OF FUNDS:

(1) State General Fund 5,000,000

Total District Attorneys 5,000,000 5,000,000

4. Judicial Inquiry Commission:

(a) Administrative Services Program 61,522

SOURCE OF FUNDS:

(1) State General Fund 61,522

Total Judicial Inquiry Commission 61,522 61,522

5. Judicial Retirement System:

(a) Retirement Systems Program 3,557,100

SOURCE OF FUNDS:

(1) State General Fund 3,557,100

Total Judicial Retirement System 3,557,100 3,557,100

6. Supreme Court:

(a) Court Operations Program .. 1,858,949

SOURCE OF FUNDS:

(1) State General Fund 1,848,949

(2) Federal, Local and Miscellaneous Funds 10,000

Total Supreme Court 1,848,949 10,000 1,858,949

7. Unified Judicial System:

(Administrative Office of Courts)

(a) Court Operations Program .. 28,489,478

(b) Administrative Services Program 1,953,356

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SOURCE OF FUNDS:

(1) State General Fund	<u>30,442,834</u>	
Total Unified Judicial System ...	30,442,834	30,442,834

C. EXECUTIVE:

1. Academy of Honor, Alabama:

(a) Historical Resources Management Program		1,300
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SOURCE OF FUNDS:

(1) State General Fund as provided in Title 41, Chapter 11, Section 6, 1975 Code of Alabama	<u>1,300</u>	
Total Alabama Academy of Honor	<u>1,300</u>	<u>1,300</u>

2. Accountancy, Alabama State Board of Public:

(a) Professional and Occupational Licensing and Regulation Program		135,000
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SOURCE OF FUNDS:

(1) Fund of the Alabama State Board of Public Accountancy, as provided in Title 34, Chapter 1, Section 22, 1975 Code of Alabama	135,000	
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In addition to the amounts appropriated hereinabove to the Alabama State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

Total Alabama State Board of Public Accountancy	<u>135,000</u>	<u>135,000</u>
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3. Adjustment, Board of:

(a) Special Services Program		165,000
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SOURCE OF FUNDS:

(1) State General Fund for the General Fund Contribution to the total expenditure of \$350,000 pursuant to Title 41, Chapter 9, Section 73, 1975 Code of Alabama	15,000	
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(2) State General Fund for expenditures as provided in Title 31, Chapter 3 and Title 36, Chapter 30, Article 1, 1975 Code of Alabama, Estimated			
	150,000		
Total Board of Adjustment	165,000		165,000
4. Aeronautics, Department of:			
(a) Airport Development and Aeronautical Support Program			
			701,567
The appropriation to the Department of Aeronautics shall include a transfer to the State Personnel Department of \$196.			
SOURCE OF FUNDS:			
(1) Airport Development Fund, as provided by Title 4, Chapter 2, Section 42, 1975 Code of Alabama			
		701,567	
Total Department of Aeronautics		701,567	701,567
5. Aging, Commission on:			
(a) Planning and Advocacy for Elderly Program			
			12,713,590
The appropriation to the Commission on Aging shall include a transfer to the State Personnel Department of \$982.			
SOURCE OF FUNDS:			
(1) State General Fund Transfer			
	785,000		
(2) Federal, Local and Miscellaneous Funds			
		11,928,590	
Total Commission on Aging	785,000	11,928,590	12,713,590
6. Agricultural Center Board:			
(a) Agricultural Development Services Program			
			565,000
The appropriation to the Agricultural Center Board shall include a transfer to the State Personnel Department of \$392.			
SOURCE OF FUNDS:			
(1) State General Fund for expense and awarding of prizes for fairs as provided in Title 2, Chapter 7, Article 2, 1957 Code of Alabama.			
	120,000		
(2) State General Fund Transfer			
	320,000		
(3) Livestock Coliseum Fund			
		125,000	
Total Agricultural Center Board .	440,000	125,000	565,000

7. Agricultural and Industrial
Exhibit Commission, Alabama:

(a) Agricultural Development Services Program	32,400
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SOURCE OF FUNDS:

(1) State General Fund	32,400	
Total Alabama Agricultural and Industrial Exhibit Commission	<u>32,400</u>	<u>32,400</u>

8. Agriculture and Industries, De-
partment of:

(a) Administrative Services Pro- gram	886,011
(b) Agricultural Inspection Ser- vices Program	8,553,145
(c) Laboratory Analysis and Dis- ease Control Program	3,025,776
(d) Agricultural Development Services Program	512,505

The appropriation to the Depart-
ment of Agriculture and Indus-
tries shall include a transfer to
the State Personnel Department
of \$17,725

SOURCE OF FUNDS:

(1) State General Fund Transfer	4,978,900	
(2) Federal, Local and Miscellane- ous Funds		2,321,122
(3) Shipping Point Inspection Fund pursuant to Title 2, Chap- ter 9, Sections 20 and 21, Code of Alabama, 1975. All fees and charges collected by the Commis- sioner of Agriculture and Indus- tries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection, grading and classification services for ag- ricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricul- tural commodities		3,769,000

(4) Agricultural Fund (Any surplus remaining in the Agricultural Fund at the end of the fiscal year in excess of \$150,000 shall be transferred to the State General Fund.)				<u>1,908,415</u>	
Total Department of Agriculture and Industries				<u>4,978,900</u>	<u>12,977,437</u>
9. Alcoholic Beverage Control Board, Alabama:					
(a) Alcoholic Beverage Management Program					22,496,718
(b) Licensing, Regulation and Enforcement Program					6,934,822
(c) Administrative Services Program					2,828,856
The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State Personnel Department of \$58,920.					

SOURCE OF FUNDS:

(1) ABC Stores Fund	32,260,396
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In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board	<u>32,260,396</u>	<u>32,260,396</u>
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10. Architects, Board for Registration of:

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(a) Professional and Occupational Licensing and Regulation Pro- gram	70,000
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The appropriation to the Board for
Registration of Architects shall
include a transfer to the State
Personnel Department of \$98.

SOURCE OF FUNDS:

(1) Fund of the Board for Registra- tion of Architects, as provided in Title 34, Chapter 2, Section 23, Code of Alabama 1975	<u>70,000</u>	
Total Board for Registration of Ar- chitects	<u>70,000</u>	<u>70,000</u>

11. Archives and History:

(a) Historical Resources Manage- ment Program	760,617
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SOURCE OF FUNDS:

(1) State General Fund	748,617		
(2) Federal, Local and Miscellane- ous Funds		<u>12,000</u>	
Total Archives & History	<u>748,617</u>	<u>12,000</u>	<u>760,617</u>

12. Attorney General, Office of
the:

(a) Legal Advice and Legal Ser- vices Program	3,384,891
(b) Fair Marketing Practices Pro- gram	286,125

SOURCE OF FUNDS:

(1) State General Fund	2,800,000		
(2) Transfer from Pensions and Se- curity		310,000	
(3) Federal, Local and Miscellane- ous Funds		<u>561,016</u>	
Total Office of the Attorney Gen- eral	<u>2,800,000</u>	<u>871,016</u>	<u>3,671,016</u>

13. Auditor, State:

(a) Fiscal Management Program	580,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>580,000</u>	
Total State Auditor	<u>580,000</u>	<u>580,000</u>

14. Banking Department, State:

(a) Charter, License, and Regulate Financial Institutions Program	1,699,149
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The appropriation to the State Banking Department shall include a transfer to the State Personnel Department of \$2,062.

SOURCE OF FUNDS:

(1) State General Fund Transfer	280,850		
(2) Banking Assessment Fees as provided in Title 5, Chapter 1, Section 5, 1975 Code of Alabama		1,229,497	
(3) Bureau of Credit Unions as provided in Title 5, Chapter 2, Article 5, Divisions 1 and 2, 1975 Code of Alabama		161,750	
(4) Loan Examination Fund as provided in Title 5, Chapter 18, Sections 1-24, 1975 Code of Ala- bama		<u>27,052</u>	
Total State Banking Department	<u>280,850</u>	<u>1,418,299</u>	<u>1,699,149</u>

15. Bar Association, Alabama State:

(a) Professional and Occupational Licensing and Regulation Pro- gram	496,676
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SOURCE OF FUNDS:

(1) State Bar Association Fund, as provided in Title 34, Chapter 3, Code of Alabama 1975	<u>496,676</u>	
Total Alabama State Bar Associa- tion	<u>496,676</u>	<u>496,676</u>

16. Bear Creek Development Au-
thority:

(a) Water Resource Development Program	209,119
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SOURCE OF FUNDS:

(1) State General Fund	26,900		
(2) Federal, Local and Miscellane- ous Funds		<u>182,219</u>	
Total Bear Creek Development Au- thority	<u>26,900</u>	<u>182,219</u>	<u>209,119</u>

17. Brierfield Ironworks Park:

(a) Outdoor Recreation Sites and Services Program	87,760
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SOURCE OF FUNDS:

(1) State General Fund	20,000		
(2) Federal, Local and Miscellaneous Funds		67,760	
Total Brierfield Ironworks Park ..	<u>20,000</u>	<u>67,760</u>	<u>87,760</u>

18. Building Commission:

(a) Special Services Program			545,992
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The appropriation to the Building Commission shall include a transfer to the State Personnel Department of \$98.

SOURCE OF FUNDS:

(1) State General Fund	138,220		
(2) Federal, Local and Miscellaneous Funds		407,772	
Total Building Commission	<u>138,220</u>	<u>407,772</u>	<u>545,992</u>

19. Capitol Renovation-Alabama Historical Commission:

(a) Historical Resources Management Program			3,500,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>3,500,000</u>		
Total Capitol Renovation-Alabama Historical Commission	3,500,000		3,500,000

20. Chiropractic Examiners, Alabama State Board of:

(a) Professional and Occupational Licensing and Regulation Program			25,000
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SOURCE OF FUNDS:

(1) Alabama State Board of Chiropractic Examiner's Fund as provided in Title 34, Chapter 24, Article 4, Division 1, 2 and 3, 1975 Code of Alabama		25,000	
Total Alabama State Board of Chiropractic Examiners		<u>25,000</u>	<u>25,000</u>

21. Civil Defense, Department of:

(a) Readiness and Recovery Program			946,152
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The appropriation to the Department of Civil Defense shall include a transfer to the State Personnel Department of \$1,423.

SOURCE OF FUNDS:

(1) State General Fund	461,400		
(2) Federal, Local and Miscellaneous Funds		<u>484,752</u>	
Total Department of Civil Defense	<u>461,400</u>	<u>484,752</u>	<u>946,152</u>

22. Coastal Area Board, Alabama:

(a) Coastal Area Management Program			825,000
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The appropriation to the Alabama Coastal Area Board shall include a transfer to the State Personnel Department of \$245.

SOURCE OF FUNDS:

(1) Federal, Local and Miscellaneous		<u>825,000</u>	
Total Alabama Coastal Area Board		<u>825,000</u>	<u>825,000</u>

23. Conservation and Natural Resources, Department of:

(a) Wildlife and Game and Fish Program			10,903,145
(b) State Land Management Program			226,302
(c) Outdoor Recreation Sites and Services Program			12,874,553
(d) Administrative Services Program			3,039,187
(e) Land Survey Program			225,382

The appropriation to the Department of Conservation and Natural Resources shall include a transfer to the State Personnel Department of \$27,005.

SOURCE OF FUNDS:

(1) Game and Fish Fund	9,475,445
(2) State Lands Fund	226,302

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(3) Marine Resources Fund	1,121,500
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In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division Programs or projects which he deems appropriate.

(4) Marine Police Fund	1,724,000
(5) Land Surveyors Fund	225,382
(6) State Parks Fund	8,550,553
(7) Administrative Funds	3,039,187

The funds hereinabove appropriated shall be payable as provided in Title 9, Chapter 2, Section 1, Code of Alabama 1975.

(8) State General Fund	2,806,200
(9) State General Fund—Transfer to Game and Fish Fund for Capital Improvements—(Bibb and Escambia County Lakes)	100,000

Total Department of Conservation and Natural Resources	2,906,200	24,362,369	27,268,569
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24. Contractors state Licensing Board for General:

(a) Professional and Occupational Licensing and Regulation Program	164,850
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The appropriation to the State Licensing Board for General Contractors shall include a transfer to the State Personnel Department of \$245.

SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund	164,850
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Pursuant to Title 34, Chapter 8, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors there is hereby appropriated

such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board for General Contractors	164,850	164,850
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25. Corrections, Board of:

(a) Administrative Services and Logistical Support Program ...	2,982,507
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(b) Institutional Services Corrections Program	29,576,774
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(c) Correctional Industries Program	3,710,702
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The appropriation to the Board of Corrections shall include a transfer to the State Personnel Department of \$59,214.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	24,500,000
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(2) Federal, Local and Miscellaneous Funds	625,000
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(3) Board of Corrections Fund ...	4,144,983
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The Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriated, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant funds so generated and in direct support of the Board of Corrections operations are also hereby appropriated.

Total Board of Corrections	24,500,000	4,769,983	29,269,983
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In addition to the above appropriation there is hereby appropriated \$30,000,000 to the Board of Corrections to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

26. Cosmetology, Alabama Board
of:

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(a) Professional and Occupational
Licensing and Regulation Pro-
gram 315,000

The appropriation to the Alabama
Board of Cosmetology shall in-
clude a transfer to the State Per-
sonnel Department of \$491.

SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology
Fund as provided in Title 34,
Chapter 7, 1975 Code of
Alabama 315,000

Total Alabama Board of Cosmetol-
ogy 315,000 315,000

27. Criminal Justice Information
System, Alabama:

(a) Criminal Justice Information
Services Program 2,268,004

The appropriation to the Alabama
Criminal Justice Information
System shall include a transfer to
the State Personnel Department
of \$2,602.

SOURCE OF FUNDS:

(1) State General Fund—Transfer 1,900,000

(2) Federal, Local and Miscellane-
ous Funds 368,004

Total Alabama Criminal Justice
Information System 1,900,000 368,004 2,268,004

28. Dairy Commission, Alabama:

(a) Regulatory Services Program 455,000

The appropriation to the Alabama
Dairy Commission shall include
a transfer to the State Personnel
Department of \$540.

SOURCE OF FUNDS:

(1) Alabama Dairy Commission
Fund as provided in Title 2,
Chapter 13, Code of Alabama
1975 455,000

Total Alabama Dairy Commission 455,000 455,000

29. Development Office, Alabama:

(a) Industrial Development Pro-
gram 2,537,000

(b) Bureau of Publicity and Information—Tourism and Travel Promotion Program	2,402,873
(c) Administrative Services Program—Office of Minority Business	145,000
(d) Alabama Film Commission—Promotional Development Program	220,000

The appropriation to the Alabama Development Office shall include a transfer to the State Personnel Department of \$3,039.

SOURCE OF FUNDS:

(1) State General Fund—Transfer Alabama Development Office ..	2,467,000		
(2) State General Fund—Transfer Publicity and Information	500,000		
(3) State General Fund Transfer—Office of Minority Business	75,000		
(4) State General Fund—Alabama Film Commission	220,000		
(5) Lodgings Tax (1¢)—Receipts collected under the provisions of Title 40, Chapter 26, 1975 Code of Alabama for the Bureau of Publicity and Information		1,902,873	
(6) Federal, Local and Miscellaneous Funds		<u>140,000</u>	
Total Alabama Development Office	<u>3,262,000</u>	<u>2,042,873</u>	<u>5,304,873</u>

30. Engineers and Land Surveyors, State Board of Registration for Professional:

(a) Professional and Occupational Licensing and Regulation Program	238,196
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The appropriation to the State Board of Registration for Professional Engineers and Land Surveyors shall include a transfer to the State Personnel Department of \$245.

SOURCE OF FUNDS:

(1) Professional Engineers' Fund as provided in Title 34, Chapter 11, Code of Alabama 1975, as amended and Act No. 1049, 1975 Regular Session	<u>238,196</u>
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Total State Board of Registration for Professional Engineers and Land Surveyors		238,196	238,196
31. Ethics Commission, Alabama:			
(a) Regulation of Public Officials and Employees Program			175,000
SOURCE OF FUNDS:			
(1) State General Fund	175,000		
Total Alabama Ethics Commission	175,000		175,000
32. Farmers' Market Authority:			
(a) Agricultural Development Services Program			658,000
SOURCE OF FUNDS:			
(1) State General Fund—Transfer For Administration	78,000		
(2) State General Fund—Transfer for Capital Outlay	500,000		
(3) Farmers' Market Authority Fund—Revenue and Capital Outlay Account		80,000	
Total Farmers' Market Authority	578,000	80,000	658,000
33. Finance, Department of:			
(a) Fiscal Management Program			1,949,941
(b) Administrative Support Ser- vices Program			4,258,889
(c) Administrative Support Ser- vices Program—Repair, renovate, and clean state buildings			500,000
SOURCE OF FUNDS:			
(1) State General Fund	4,808,896		
(2) State Agency Collections— Maintenance Revolving Fund .		1,899,934	
Total Department of Finance	4,808,896	1,899,934	6,708,830
34. Finance-Telephone Network Fund:			
(a) Administrative Support Ser- vices Program			4,028,907
SOURCE OF FUNDS:			
(1) Telephone Network Fund		4,028,907	
Total Finance-Telephone Network Fund		4,028,907	4,028,907
35. Foresters, Alabama State Board of Registration For:			

(a) Professional and Occupational Licensing and Regulation Pro- gram.	17,900
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SOURCE OF FUNDS:

(1) Professional Foresters' Fund .	17,900	
Total Alabama State Board of Reg- istration for Foresters	17,900	17,900

36. Forestry Commission, Ala-
bama:

(a) Forest Resource Protection Program	7,316,266
(b) Forest Resource Management and Development Program	2,334,977
(c) Forestry Information and Edu- cation Program	282,245
(d) Administrative Services Pro- gram	1,276,585

The appropriation to the Alabama
Forestry Commission shall in-
clude a transfer to the State Per-
sonnel Department of \$19,983.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	5,568,659		
(2) Federal and Local Funds		2,549,398	
(3) Forestry Commission Fund ..		3,102,016	
Of the above appropriation \$100,000 shall be used for rural and community fire protection.			
Total Alabama Forestry Commis- sion	5,568,659	5,651,414	11,220,073

"It is provided that in the event receipts into the Forestry Commission Fund from Federal and Local Funds exceed the sum of \$2,902,016 then such excess is hereby appropriated. In the event of an emergency, so determined by the State Forester of the Forestry Commission with the approval of the Governor is hereby authorized to meet such emergency by transferring to and from any item of expenditure herein appropriated for use by the Forestry Commission."

37. Fort Morgan Commission:

(a) Historical Resources Manage- ment Program	109,433
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SOURCE OF FUNDS:

(1) State General Fund	99,400		
(2) Federal, Local and Miscellane- ous Funds		10,033	
Total Fort Morgan Commission ..	99,400	10,033	109,433

38. Funeral Service, Alabama
Board of:

(a) Professional and Occupational Licensing and Regulation Pro- gram	81,900
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund as pro- vided in Title 34, Chapter 13, 1975 Code of Alabama	81,900
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Total Alabama Board of Funeral Services	81,900	81,900
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38A. Foreign Trade Relations
Commission:

(a) Special Services Program	50,000
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SOURCE OF FUNDS:

(1) State General Fund	50,000
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Total Foreign Trade Relations Commission	50,000	50,000
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39. Geological Survey:

(a) Discovery and Development of Mineral, Energy and Water Re- sources, Geologic Research and Topographic Mapping Program	1,596,049
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The appropriation to the Geological
Survey shall include a transfer to
the State Personnel Department
of \$3,829.

SOURCE OF FUNDS:

(1) State General Fund	1,042,032
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(2) Federal, Local and Miscellane- ous Funds	554,017
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Total Geological Survey	1,042,032	554,017	1,596,049
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40. Gorgas Memorial Board:

(a) Historical Resources Manage- ment Program	8,400
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SOURCE OF FUNDS:

(1) State General Fund as provided in Title 41, Chapter 9, Section 220, 1975 Code of Alabama and an additional amount	7,700
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(2) Federal, Local and Miscellane- ous Funds	700
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Total Gorgas Memorial Board ...	7,700	700	8,400
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41. Governor's Office:

(a) Executive Direction Program 977,400

SOURCE OF FUNDS:

(1) State General Fund 977,400

Total Governor's Office 977,400 977,400

42. Governor's Contingency Fund:

(a) Executive Direction Program 295,480

SOURCE OF FUNDS:

(1) State General Fund 295,480

Total Governor's Contingency
Fund 295,480 295,480

43. Governor's Mansion and Coastal Mansion:

(a) Executive Direction Program 150,000

SOURCE OF FUNDS:

(1) State General Fund 150,000

Total Governor's Mansion and
Coastal Mansion 150,000 150,000

44. Healing Arts, State Licensing Board for the:

(a) Professional and Occupational
Licensing and Regulation Program 132,000

The appropriation to the State
Licensing Board for the Healing
Arts shall include a transfer to
the Personnel Department of
\$98.

SOURCE OF FUNDS:

(1) State Licensing Board for the
Healing Arts Fund 132,000Total State Licensing Board for the
Healing Arts 132,000 132,000

45. Health, Department of Public:

(a) Administrative Services Program 3,468,956

(b) Health Support Services Program 39,398,533

(c) Personal Health Improvement
Program 29,535,056

(d) Environmental Health Improvement Program 6,283,138

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(e) Special Services Program	1,227,009
(f) Health Planning, Development and Regulation Program	5,069,881

The appropriation to the Department of Public Health shall include a transfer to the State Personnel Department of \$100,605.

SOURCE OF FUNDS:

(1) State General Fund	14,632,000		
(2) Cigarette Tax—1¢ as provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama		1,400,001	
(3) Cigarette Tax—2¢ as provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama		2,150,000	
(4) Vital Statistics Fund		660,000	
(5) Hospital Licensing Fund		85,000	
(6) Emergency Medical Services Fund as provided in Title 22, Chapter 18, Sections 1 through 7, 1975 Code of Alabama		30,000	
(7) Local Health Departments . . .		25,990,952	
(8) Water Improvement Commis- sion Fines		300,000	
(9) Miscellaneous Revenues		3,126,835	
(10) Federal Funds		<u>36,607,785</u>	
Total Department of Public Health	<u>14,632,000</u>	<u>70,350,573</u>	<u>84,982,573</u>

46. Health Planning and Development Agency, State:

(a) Health Planning, Development and Regulation Program	950,026
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SOURCE OF FUNDS:

(1) State General Fund	261,000		
(2) Federal, Local and Miscellaneous Funds		<u>689,026</u>	
Total State Health Planning and Development Agency	<u>261,000</u>	<u>689,026</u>	<u>950,026</u>

47. Hearing Aid Dealers, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Pro- gram	15,400
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SOURCE OF FUNDS:

(1) State Board of Health— Hearing Aid Fund as provided in Title 34, Chapter 14, Articles 1 and 2, 1975 Code of Alabama .	15,400	
Total Alabama Board of Hearing Aid Dealers	<u>15,400</u>	<u>15,400</u>

48. Highway Department:

(a) Central Administration Pro- gram	6,825,251	
(b) Division and District Supervision—State Program ..	12,165,797	
(c) Operations and Support Ser- vices Program	5,475,948	
(d) Maintenance Program	60,000,000	
(e) Non-Programmatic Expendi- tures	43,830,499	

Proposed Spending Plan for the
above (e) includes the following:

Debt Service	38,595,075	
Equipment—Automotive	5,000,000	
Equipment—Other than Automo- tive	235,424	

(f) Construction—Federal Aid Program	248,429,681	
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Proposed Spending Plan for the
above (f) includes the following:

Federal Aid Matching	39,202,000	
Non-Participating Work on Fed- eral Aid Projects	1,000,000	

Advance Construction Bonds	30,726,000	
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Federal Aid	177,501,681	
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(g) Construction—State Program .	94,640,398	
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(h) Operations—Land & Buildings	2,305,500	
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The appropriation to the Highway
Department shall include a
transfer to the State Personnel
Department of \$232,144.

SOURCE OF FUNDS:

(1) State General Fund	75,000	
(2) Public Road and Bridge Fund	265,370,393	
(3) Federal Aid	177,501,681	
(4) Bond Proceeds	30,726,000	

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, or Alabama Highway Finance Corporation, a total of \$38,595,075 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.

The Highway Director with the consent of the Governor and the Budget Office shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a), (b), (c), (d), (e), (f), (g), (h) of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available.

In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable: In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

(1) the appropriations made for Debt Service in section (e) hereof shall be paid in full.

(2) The appropriations from the revenues accruing to the State Highway Department that are herein made for the purpose referred to in Sections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in such order and with such priorities as the State Highway Director shall from time to time direct.

The funds appropriated in section (f) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made.

In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available. Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

Total Highway Department	75,000	473,598,074	473,673,074
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49. Highway and Traffic Safety,
Office of:

(a) Traffic Control and Accident Prevention Program	3,551,800
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The appropriation to the Office of
Highway and Traffic Safety shall
include a transfer to the State
Personnel Department of \$491.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	83,600		
(2) Federal Funds		3,468,200	
Total Office of Highway and Traffic Safety	83,600	3,468,200	3,551,800

50. Historic Chattahoochee Commission:

(a) Historical Resources Management Program	66,500
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SOURCE OF FUNDS:

(1) State General Fund—Transfer	<u>66,500</u>
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Total Historic Chattahoochee Commission	<u>66,500</u>	<u>66,500</u>
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51. Historical Commission, Alabama:

(a) Historical Resources Management Program	1,868,218
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The appropriation to the Alabama Historical Commission shall include a transfer to the State Personnel Department of \$736.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	274,400
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(2) Federal, Local and Miscellaneous Funds	<u>1,593,818</u>
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Total Alabama Historical Commission	<u>274,400</u>	<u>1,593,818</u>	<u>1,868,218</u>
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52. Industrial Relations, Department of:

(a) Skills Enhancement and Employment Opportunities Program	99,159,393
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(b) Unemployment Compensation Program	180,333,617
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(c) Administrative Services Program	6,340,871
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(d) Industrial Safety and Accident Prevention Program	4,806,561
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(e) Employment and Social Opportunities Program	325,810
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The appropriation to the Department of Industrial Relations shall include a transfer to the State Personnel Department of \$70,212.

SOURCE OF FUNDS:

(1) State General Fund	652,500
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(2) Federal, Local and Miscellaneous Funds	<u>290,313,752</u>
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Total Department of Industrial Relations	<u>652,500</u>	<u>290,313,752</u>	<u>290,966,252</u>
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53. Insurance Board, State Employees':

(a) Administrative Support Services Program 72,434

SOURCE OF FUNDS:

(1) State General Fund 72,434

Total State Employees' Insurance Board	<u>72,434</u>	<u>72,434</u>
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54. Insurance, Department of:

(a) Regulatory Services Program 1,867,597

The appropriation to the Department of Insurance shall include a transfer to the State Personnel Department of \$2,749.

SOURCE OF FUNDS:

(1) State General Fund 906,469

(2) Examination Revolving Fund as provided in Title 27, Chapter 2, Section 25, Code of Alabama 1975 820,253

(3) Fire Marshals' Fund as provided in Title 24, Chapter 5, Article 1, 1975 Code of Alabama. Any balance in excess of \$50,000 at the end of the fiscal year shall be transferred to the State General Fund 140,875

Total Department of Insurance ..	<u>906,469</u>	<u>961,128</u>	<u>1,867,597</u>
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55. Labor, Department of:

(a) Regulatory Services Program 249,670

SOURCE OF FUNDS:

(1) State General Fund 212,164

(2) Federal, Local and Miscellaneous Funds 37,506

Total Department of Labor	<u>212,164</u>	<u>37,506</u>	<u>249,670</u>
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56. LaGrange Historical Site—Alabama Historical Commission:

(a) Historical Resources Management Program 2,140

SOURCE OF FUNDS:

(1) State General Fund—as provided in Title 41, Chapter 9, Section 270, 1975 Code of Alabama 2,140

Total LaGrange Historical Site— Alabama Historical Commission	2,140		2,140
57. Landscape Architects, Board of Examiners of:			
(a) Professional and Occupational Licensing and Regulation Pro- gram			4,650
SOURCE OF FUNDS:			
(1) Landscape Architects Fund ..		4,650	
Total Board of Examiners of Land- scape Architects		4,650	4,650
58. Law Enforcement Planning Agency, Alabama:			
(a) Law Enforcement Planning and Development Program			8,644,885
The appropriation to the Alabama Law Enforcement Planning Agency shall include a transfer to the State Personnel Depart- ment of \$2,602.			
SOURCE OF FUNDS:			
(1) State General Fund—Transfer for Matching Federal Funds ...	596,780		
(2) Federal, Local and Miscellane- ous Funds		8,048,105	
Total Alabama Law Enforcement Planning Agency	596,780	8,048,105	8,644,885
59. Liquefied Petroleum Gas Board:			
(a) Regulatory Services Program			124,176
The appropriation to the Liquefied Petroleum Gas Board shall in- clude a transfer to the State Per- sonnel Department of \$147.			
SOURCE OF FUNDS:			
(1) L. P. Gas Board Fund		124,176	
Total Liquefied Petroleum Gas Board		124,176	124,176
60 Medical Services Administra- tion:			
(a) Medical Assistance through Medicaid Program			227,678,668
The appropriation to the Medical Services Administration shall include a transfer to the State Personnel Department of \$9,770.			

SOURCE OF FUNDS:

(1) State General Fund—Transfer	66,000,000		
(2) Federal, Local and Miscellaneous Funds		<u>161,678,668</u>	
Total Medical Services Administration	<u>66,000,000</u>	<u>161,678,668</u>	<u>227,678,668</u>

In addition to the above appropriation there is hereby appropriated \$24,700,000 to Medical Services Administration to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

61. Mental Health, Department of:

(a) Institutional Treatment and Care—Mental Illness Program	52,200,542
(b) Institutional Treatment and Care—Mental Retardation Program	44,487,299
(c) Institutional Treatment and Care—Criminally Insane Program	348,297
(d) Non-Institutional Treatment and Care Program	25,753,454
(Of this amount, \$11,010,567 shall be used for Community Programs.)	
(e) Administrative Services Program	3,519,368

The appropriation to the Department of Mental Health shall include a transfer to the State Personnel Department of \$284,289.

SOURCE OF FUNDS:

(1) Special Mental Health Fund—For Operations and Maintenance of the State Mental Health Department including the purchase of drugs to medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals	68,195,817
(2) Special Mental Health Fund—Community Programs ..	11,010,567
(3) Transfer from ABC Profits ..	1,000,000
(4) Cigarette Tax—1¢	925,455
(5) Cigarette Tax—2¢	4,909,922

(6) Federal, Local and Miscellaneous Funds	<u>23,867,199</u>	
Total Department of Mental Health	<u>109,908,960</u>	<u>109,908,960</u>

In addition to the above appropriation there is hereby appropriated \$36,400,000 to the Mental Health Department to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

62. A—Military Department:

(a) Military Operations Program	3,583,482
(b) Capital Outlay	595,132

SOURCE OF FUNDS:

(1) State General Fund—Transfer Capital Outlay for the Armories at Atmore, Fayette, Huntsville, Jackson, Montgomery, and Sub-Surface Soil Investigation	525,600	
(2) State General Fund—Transfer for Architect and Engineering Services and Specifications for the Armories at Atmore, Birmingham, Goodwater, Guin and Monroeville	69,532	
(3) State General Fund—Operations	907,176	
(4) State General Fund—Quarterly Allowances Headquarters—Regular Allowance Units to be used solely for operating expenses; provided, that no more than \$4,500 shall be allotted in any fiscal year for the Headquarters Alabama National Guard	749,000	
(5) State General Fund—Active Military Service	113,610	
(6) State General Fund—Transfer to Armory Commission	<u>1,813,696</u>	
Total Military Department	<u>4,178,614</u>	<u>4,178,614</u>

62. B—Armory Commission of Alabama:

(a) Military Operations Program	2,631,374
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SOURCE OF FUNDS:

(1) Transfer from Military Department	1,813,696
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(2) Federal, Local and Miscellaneous Funds 817,678

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of armories. Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama 2,631,374 2,631,374

63. Nursing Home Administrators, Board of Examiners of:

(a) Professional and Occupational Licensing and Regulation Program 11,000

SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund ... 11,000

Total Board of Examiners of Nursing Home Administrators 11,000 11,000

64. Oil and Gas Board:

(a) Management and Regulation of Oil and Gas Exploration and Development Program 836,094

SOURCE OF FUNDS:

(1) State General Fund 836,094

Total Oil and Gas Board 836,094 836,094

65. Pardons and Paroles, Board of:

(a) Administration of Pardons and Paroles Program 4,057,946

The appropriation to the Board of Pardons and Paroles shall include a transfer to the State Personnel Department of \$9,869.

SOURCE OF FUNDS:

(1) State General Fund	2,526,921		
(2) Probationers Upkeep Fund ..		1,098,613	
(3) Federal, Local and Miscellaneous Funds		<u>432,412</u>	
Total Board of Pardons and Paroles	<u>2,526,921</u>	<u>1,531,025</u>	<u>4,057,946</u>

66. Peace Officers' Annuity and Benefit Fund, Alabama:

(a) Retirement Systems Program			170,715
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund as provided in Title 36, Chapter 21, Article 4, 1975 Code of Alabama		<u>170,715</u>	
Total Alabama Peace Officers' Annuity and Benefit Fund		<u>170,715</u>	<u>170,715</u>

67. Pensions:

- (a) Social Services Program—For Confederate Veterans and their widows: Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors and their widows.

SOURCE OF FUNDS:

- (1) Proceeds from the levy of the one mill tax as provided by Title 40, Chapter 8, Section 361, 1975 Code of Alabama.

68. Pensions and Security:

(a) Financial Assistance Program	115,680,637
(b) Social Services Program	77,618,000
(c) Food Assistance Program	21,539,606
(d) Child Support Enforcement Program	7,246,008

The appropriation to Pensions and Security shall include a transfer to the State Personnel Department of \$189,771.

SOURCE OF FUNDS:

(1) Federal, Local and Miscellaneous Funds	149,938,627
(2) Liquor License Tax	1,572,000
(3) ABC Profits	2,135,431
(4) Whiskey Tax	20,527,370

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(5) State General Fund	5,000,000		
(6) Beer Tax		7,213,360	
(7) Pension Residue		6,845,000	
(8) Sales Tax		1,322,000	
(9) Franchise Tax		9,476,000	
(10) Contracts, Service Fees		364,144	
(11) Child Support Collections ..		1,574,119	
(12) Sales Tax for Food Stamps ..		10,200,000	
(13) Cigarette Tax		4,525,000	
(14) Contractor's Gross Receipts Tax		1,387,000	
(15) Pension Fund		4,200	
Total Pensions and Security	<u>5,000,000</u>	<u>217,084,251</u>	<u>222,084,251</u>

In addition to the above appropriation there is hereby appropriated \$4,000,000 to the Department of Pensions and Security to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

69. Personnel Department, State:

(a) Administrative Support Program	1,648,588
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SOURCE OF FUNDS:

(1) State General Fund—Transfer	128,512	
(2) Federal, Local and Miscellaneous Funds		259,000
(3) Transfer from Department of Aeronautics		196
(4) Transfer from Commission on Aging		982
(5) Transfer from Agriculture and Industries		17,725
(6) Transfer from Agricultural Center Board		392
(7) Transfer from Alcoholic Beverage Control Board		58,920
(8) Transfer from Board of Registration of Architects		98
(9) Transfer from State Banking Department		2,062
(10) Transfer from Finance—Alabama Building Authority ..		589

(11) Transfer from Finance— Alabama Building Finance Au- thority	491
(12) Transfer from Building Com- mission	98
(13) Transfer from Civil Defense Department	1,423
(14) Transfer from Coastal Area Board	245
(15) Transfer from Conservation Department	27,005
(16) Transfer from State Licensing Board For General Contractors	245
(17) Transfer from Board of Cor- rections	59,214
(18) Transfer from Board of Cos- metology	491
(19) Transfer from Criminal Jus- tice Information Center	2,602
(20) Transfer from Alabama Dairy Commission	540
(21) Transfer from Alabama De- velopment Office	3,093
(22) Transfer from State Docks ..	4,812
(23) Transfer from Education ...	67,905
(24) Transfer from Education Study Commission	98
(25) Transfer from Board of Regis- tration for Professional En- gineers and Land Surveyors ...	245
(26) Transfer from Firefighters Personnel Standards and Educa- tion Commission	196
(27) Transfer from Forestry Com- mission	19,983
(28) Transfer from Geological Sur- vey	3,829
(29) Transfer from State Licensing Board for the Healing Arts	98
(30) Transfer from Health De- partment	100,605
(31) Transfer from Highway De- partment	232,144
(32) Transfer from Highway and Traffic Safety	491
(33) Transfer from Alabama His- torical Commission	736

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(34) Transfer from Industrial Relations	70,212		
(35) Transfer from Insurance Department	2,749		
(36) Transfer from Law Enforcement Planning Agency	2,602		
(37) Transfer from Liquefied Petroleum Gas Board	147		
(38) Transfer from Medical Services Administration	9,770		
(39) Transfer from Department of Mental Health	284,289		
(40) Transfer from Board of Nursing	540		
(41) Transfer from Pardons and Paroles	9,869		
(42) Transfer from Peace Officers Standards and Training Commission	98		
(43) Transfer from Pensions and Security	189,771		
(44) Transfer from Physical Fitness Commission	196		
(45) Transfer from Board of Physical Therapy	49		
(46) Transfer from Office of State Planning and Federal Programs	2,062		
(47) Transfer from Public Library Service	2,700		
(48) Transfer from Public Service Commission	3,829		
(49) Transfer from Real Estate Commission	932		
(50) Transfer from Retirement Systems	4,320		
(51) Transfer from Department of Revenue	45,270		
(52) Transfer from Board of Social Work Examiners	49		
(53) Transfer from Surface Mining Reclamation Commission	982		
(54) Transfer from Department of Toxicology and Criminal Investigation	3,240		
(55) Transfer from Department of Youth Services	19,787		
Total State Personnel Department	<u>128,512</u>	<u>1,520,016</u>	<u>1,648,528</u>

70. Physical Therapy, Board of:

(a) Professional and Occupational Licensing and Regulation Pro- gram	19,800
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The appropriation to the Board of
Physical Therapy shall include a
transfer to the State Personnel
Department of \$49.

SOURCE OF FUNDS:

(1) Physical Therapist Fund	<u>19,800</u>	
Total Board of Physical Therapy .	<u>19,800</u>	<u>19,800</u>

71. Planning and Federal Pro-
grams, Office of State:

(a) State Planning Program	6,708,430
(b) Energy Management Program	10,310,000
(c) Special Services Program	390,608

The appropriation to the Office of
State Planning and Federal Pro-
grams shall include a transfer to
the State Personnel Department
of \$2,062.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	2,193,770	
(2) Federal, Local and Miscellane- ous Funds	<u>15,215,268</u>	
Total Office of State Planning and Federal Programs	<u>2,193,770</u>	<u>15,215,268</u>
		<u>17,409,038</u>

72. Prosecution Services, Office of:

(a) Prosecution, Training, Educa- tion and Management Program	131,591
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SOURCE OF FUNDS:

(1) Federal, Local and Miscellane- ous Funds	<u>131,591</u>	
Total Office of Prosecution Ser- vices	<u>131,591</u>	<u>131,591</u>

73. Psychology, Alabama Board of
Examiners in:

(a) Professional and Occupational Licensing and Regulation Pro- gram	16,000
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SOURCE OF FUNDS:

(1) Board of Examiners of Psychol- ogy Fund	<u>16,000</u>
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Total Alabama Board of Examiners in Psychology	16,000	16,000
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74. Public Safety, Department of:

(a) Traffic Control and Accident Prevention Program		11,585,308
(b) Criminal Investigation Pro- gram		2,157,197
(c) Driver's Licensing and Im- provement Program		5,510,515
(d) Public Safety Support Services Program		8,457,743
(e) Administrative Services Pro- gram		1,789,237
(f) Alabama Criminal Justice Training Center Program		1,600,000

SOURCE OF FUNDS:

(1) State General Fund	30,520,000	
(2) State General Fund—Capital Outlay—Building and Equip- ping	580,000	

Total Department of Public Safety	31,100,000	31,100,000
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75. Public Service Commission:

(a) Administrative Services Pro- gram		543,580
(b) Regulatory Services Program		2,956,420

The appropriation to the Public Service Commission shall include a transfer to the State Personnel Department of \$3,829.

SOURCE OF FUNDS:

(1) Public Service Commission Fund	3,500,000	
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The above appropriations to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$500,000 shall be transferred to the State General Fund.

Total Public Service Commission	3,500,000	3,500,000
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76. Real Estate Commission, Ala-
bama:

(a) Professional and Occupational Licensing and Regulation Pro- gram		600,000
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The appropriation to the Alabama Real Estate Commission shall include a transfer to the State Personnel Department of \$932.

SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund—as provided in Title 34, Chapter 27, 1975 Code of Alabama, as amended and the total expenditures shall in no manner exceed the amounts hereby appropriated	600,000	
Total Alabama Real Estate Commission	600,000	600,000
77. Retirement System of Alabama, Employees' (General Fund Share):		
(a) Retirement System Program, Estimated		7,754,674

SOURCE OF FUNDS:

(1) State General Fund—Estimated	7,754,674	
Total Employees' Retirement System of Alabama (General Fund Share)	7,754,674	7,754,674

78. Revenue Department:

- (a) State Revenue Administration Program—The appropriation to the Revenue Department shall include a transfer to the State Personnel Department of \$45,270.

SOURCE OF FUNDS:

(1) State General Fund—as provided in Title 40, Chapter 7, Article 2, Division 1, 1975 Code of Alabama, to maintain a program for the equalization of ad valorem tax assessments	250,000	
(2) Transfer from the gross proceeds of Cigarette Tax Collections, Title 40, Chapter 25, Section 2 and 23, 1975 Code of Alabama		295,290
(3) Transfer from the gross proceeds of Financial Institution Excise Tax Collections		229,890
(4) Transfer from the gross proceeds of the Forest Severance Tax Collections		195,605
(5) Transfer from the gross proceeds of Gasoline Tax Collections		1,533,924
(6) Transfer from the Income Tax Collections		5,102,655

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(7) Transfer from the gross proceeds of Motor Fuel Tax Collections	885,871
(8) Transfer from the gross proceeds of Motor Vehicle License Collections	895,780
(9) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax	273,490
(10) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	675,798
(11) Transfer from the gross proceeds of Sales Tax Collections ..	7,115,921
(12) Transfer from the gross proceeds of the Tobacco Tax Collections	1,460,597
(13) Transfer from the gross proceeds of Use Tax Collections ..	697,598
(14) Transfer from the gross proceeds of the Utility Tax Collections—as provided in Title 40, Chapter 21, Article 4, 1975 Code of Alabama	455,817
(15) Federal, Local and Miscellaneous Funds	1,554,262

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law.

Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Revenue Department	<u>250,000</u>	<u>21,372,498</u>	<u>21,622,498</u>
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79. Revenue—Auto Title and Antitheft:

(a) State Revenue Administration Program	937,500
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SOURCE OF FUNDS:

(1) State General Fund—Transfer	<u>937,500</u>
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Total Revenue—Auto Title and Antitheft	<u>937,500</u>		<u>937,500</u>
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80. Revenue—Boards of Equalization:

(a) State Revenue Administration Program	136,800
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SOURCE OF FUNDS:

(1) State General Fund	<u>136,800</u>	
Total Revenue—Boards of Equalization	<u>136,800</u>	<u>136,800</u>
81. Revenue—Motor Vehicle License:		
(a) State Revenue Administration Program		1,918,050

SOURCE OF FUNDS:

(1) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags	<u>1,918,050</u>	
Total Revenue—Motor Vehicle License	<u>1,918,050</u>	<u>1,918,050</u>
82. Richmond P. Hobson Memorial Board:		
(a) Historical Resources Management Program		7,270

SOURCE OF FUNDS:

(1) State General Fund—as provided in Title 41, Chapter 9, Section 221, 1975 Code of Alabama, and an additional amount	<u>7,270</u>	
Total Richmond P. Hobson Memorial Board	<u>7,270</u>	<u>7,270</u>
83. Sanitarians, Board of Registration for:		
(a) Professional and Occupational Licensing and Regulation Program		3,700

SOURCE OF FUNDS:

(1) Registration Board of Sanitarians Fund—as provided in Title 34, Chapter 28, 1975 Code of Alabama	<u>3,700</u>	
Total Board of Registration for Sanitarians	<u>3,700</u>	<u>3,700</u>
84. Secretary of State:		
(a) Administrative Support Services Program		365,000

SOURCE OF FUNDS:

(1) State General Fund	<u>365,000</u>	
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Total Secretary of State	365,000	365,000
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85. Securities Commission:

(a) Regulatory Services Program		475,314
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SOURCE OF FUNDS:

(1) State General Fund	390,314	
(2) Federal, Local and Miscellaneous Funds		60,619
(3) Sales of Checks License Fund		7,381
(4) Exemption Fund		17,000
Total Securities Commission	390,314	85,000
		475,314

86. Social Security Agency:

(a) Administrative Support Services Program		231,950
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SOURCE OF FUNDS:

(1) State General Fund	221,502	
(2) Contribution Fund		10,448
Total Social Security Agency	221,502	10,448
		231,950

87. Social Work Examiners, Alabama State Board of:

(a) Professional and Occupational Licensing and Regulation Program		43,500
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The appropriation to the Alabama State Board of Social Work Examiners shall include a transfer to the State Personnel Department of \$49.

SOURCE OF FUNDS:

(1) Alabama State Board of Social Work Examiners Fund—as provided in Title 34, Chapter 30, 1975 Code of Alabama		43,500
Total Alabama State Board of Social Work Examiners		43,500
		43,500

88. Soil and Water Conservation Committee, Alabama State:

(a) Water Resource Development Program		415,235
(b) Soil Survey		100,000

SOURCE OF FUNDS:

(1) State General Fund	515,235	
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Total Alabama State Soil and Water Conservation Committee	<u>515,235</u>		<u>515,235</u>
89. Southern Growth Policies Board:			
(a) Special Services Program			25,300
SOURCE OF FUNDS:			
(1) State General Fund	<u>25,300</u>		
Total Southern Growth Policies Board	<u>25,300</u>		<u>25300</u>
90. Space Science Exhibit Commission, Alabama:			
(a) Tourism and Travel Promotion Program			3,077,760
SOURCE OF FUNDS:			
(1) State General Fund-Capital Outlay	500,000		
(2) Federal, Local and Miscellaneous Funds		<u>2,577,760</u>	
Total Alabama Space Science Exhibit Commission	<u>500,000</u>	<u>2,577,760</u>	<u>3,077,760</u>
91. Speech Pathology and Audiology, Alabama Board of Examiners for:			
(a) Professional and Occupational Licensing and Regulation Program			12,000
SOURCE OF FUNDS:			
(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund—as provided in Title 34, Chapter 28A, 1975 Code of Alabama		<u>12,000</u>	
Total Alabama Board of Examiners for Speech Pathology and Audiology		<u>12,000</u>	<u>12,000</u>
92. Surface Mining Reclamation Commission:			
(a) Industrial Safety and Accident Prevention Program			1,828,900
The appropriation to the Surface Mining Reclamation Commission shall include a transfer to the State Personnel Department of \$982.			

SOURCE OF FUNDS:

(1) Surface Mining Reclamation Commission Fund—as provided by Title 9, Chapter 16, Article 2, 1975 Code of Alabama. All fees and charges, grants, gifts, fines, bond forfeitures or other monies received under the above act, in addition to the appropriation herein made, are appropriated to the Surface Mining Reclamation Commission		<u>1,828,900</u>	
Total Surface Mining Reclamation Commission	1,828,900	<u>1,828,900</u>	

93. Tannehill Historical State Park:

(a) Historical Resources Management Program			778,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000		
(2) Federal, Local and Miscellaneous Funds		<u>578,000</u>	
Total Tannehill Historical State Park	<u>200,000</u>	<u>578,000</u>	<u>778,000</u>

94. Tennessee-Tombigbee Waterway Development Authority:

(a) Water Resource Development Program			474,951
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SOURCE OF FUNDS:

(1) State General Fund—as provided in Title 33, Chapter 8, 1975 Code of Alabama as amended ..	140,000		
(2) Federal, Local and Miscellaneous Funds		<u>334,951</u>	
Total Tennessee-Tombigbee Waterway Development Authority	<u>140,000</u>	<u>334,951</u>	<u>474,951</u>

95. Toxicology and Criminal Investigation, Alabama Department of:

(a) Forensic Science Services Program			2,846,500
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The appropriation to the Alabama Department of Toxicology and Criminal Investigation shall include a transfer to the State Personnel Department of \$3,240.

SOURCE OF FUNDS:

(1) State General Fund	1,955,000		
(2) State General Fund— Transfer—Capital Outlay	700,000		
(3) Federal, Local and Miscellaneous Funds		<u>191,500</u>	
Total Alabama Department of Toxicology and Criminal In- vestigation	<u>2,655,000</u>	<u>191,500</u>	<u>2,846,500</u>

96. Treasurer, State:

(a) Fiscal Management Program			864,500
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SOURCE OF FUNDS:

(1) State General Fund	<u>864,500</u>		
Total State Treasurer	<u>864,500</u>		<u>864,500</u>

97. Uniform State Laws, Commis-
sion on:

(a) Special Services Program			4,275
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SOURCE OF FUNDS:

(1) State General Fund—as pro- vided in Title 41, Chapter 9, Arti- cle 12, 1975 Code of Alabama .	<u>4,275</u>		
Total Commission on Uniform State Laws	<u>4,275</u>		<u>4,275</u>

98. Veterans Affairs, Department
of:

(a) Administration of Veterans Af- fairs Program			1,696,430
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,696,430</u>		
Total Department of Veterans Af- fairs	<u>1,696,430</u>		<u>1,696,430</u>

99. Veterinary Medical Examin-
ers, Alabama State Board of:

(a) Professional and Occupational Licensing and Regulation Pro- gram			10,925
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SOURCE OF FUNDS:

(1) State Board of Veterinary Med- ical Examiners Fund—as pro- vided in Title 34, Chapter 29, 1975 Code of Alabama		<u>10,925</u>	
Total Alabama State Board of Vet- erinary Medical Examiners ...		10,925	<u>10,925</u>

100. Water and Waste Water Systems Personnel, Board of Certification for:

(a) Professional and Occupational Licensing and Regulation Program		4,800
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SOURCE OF FUNDS:

(1) Operators Certification Fund—as provided in Title 22, Chapter 25, 1975 Code of Alabama	<u>4,800</u>	
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Total Board of Certification for Water and Waste Water Systems Personnel	<u>4,800</u>	<u>4,800</u>
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101. Water Well Standards Board, Alabama:

(a) Professional and Occupational Licensing and Regulation Program		51,000
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SOURCE OF FUNDS:

(1) Well Digger's Licensing Fund—as provided in Title 22, Chapter 24, 1975 Code of Alabama	<u>51,000</u>	
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Total Alabama Water Well Standards Board	<u>51,000</u>	<u>51,000</u>
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102. Women's Commission, Alabama:

(a) Employment and Social Opportunities Program		10,300
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SOURCE OF FUNDS:

(1) State General Fund	<u>10,300</u>	
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Total Alabama Women's Commission	<u>10,300</u>	<u>10,300</u>
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D. Other Functions of Government Funded from the General Fund:

1. Advertising Lands for Tax Sale:

(a) State Revenue Administration Program, Estimated		45,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>45,000</u>	
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Total Advertising Lands for Tax Sale	<u>45,000</u>	<u>45,000</u>
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2. Arrest of Absconding Felons:

(a) Criminal Investigation Program, Estimated		51,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>51,000</u>	
Total Arrest of Absconding Felons	<u>51,000</u>	<u>51,000</u>

3. Automatic Appeal Expense:

(a) Legal Advice and Legal Service Program, Estimated		1,700
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SOURCE OF FUNDS:

(1) State General Fund as provided in Title 12, Chapter 22, Sections 150 and 241, 1975 Code of Alabama	<u>1,700</u>	
Total Automatic Appeal Expense	<u>1,700</u>	<u>1,700</u>

4. Civil Court Costs in Connection with Ad Valorem Tax Assessments Appeals:

(a) State Revenue Administration Program, Estimated		200
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SOURCE OF FUNDS:

(1) State General Fund	<u>200</u>	
Total Civil Court Costs in Connection with Ad Valorem Tax Assessments Appeals	<u>200</u>	<u>200</u>

5. Consumer Utility Rate Hearing:

(a) Executive Direction Program		250,000
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SOURCE OF FUNDS:

(1) State General Fund as provided in Title 37, Chapter 1, Article 1, 1975 Code of Alabama	<u>250,000</u>	
Total Consumer Utility Rate Hearing	<u>250,000</u>	<u>250,000</u>

6. Council of State Governments:

(a) Legislative Operations and Support Program		42,100
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SOURCE OF FUNDS:

(1) State General Fund	<u>42,100</u>	
Total Council of State Governments	<u>42,100</u>	<u>42100</u>

7. Court Costs—Act No. 558, 1957:

(a) Court Operations Program, Estimated		50,000
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SOURCE OF FUNDS:

(1) State General Fund pursuant to Act No. 558, 1957, page 777	50,000	
Total Court Costs—Act No. 558, 1957	<u>50,000</u>	<u>50,000</u>

8. Courts Costs not Otherwise Provided for:

(a) Legal Advice and Legal Service Program, Estimated		670,000
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SOURCE OF FUNDS:

(1) State General Fund	670,000	
Total Court Costs Not Otherwise Provided For	<u>670,000</u>	<u>670,000</u>

9. Distribution of Public Documents:

(a) Administrative Support Service Program, Estimated		1,500
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SOURCE OF FUNDS:

(1) State General Fund	1,500	
Total Distribution of Public Documents	<u>1,500</u>	<u>1,500</u>

10. Election Expenses:

(a) Special Services Program, Estimated		500,000
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SOURCE OF FUNDS:

(1) State General Fund	500,000	
Total Election Expenses	<u>500,000</u>	<u>500,000</u>

11. Emergency Fund, Departmental:

(a) Special Services Program		450,000
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SOURCE OF FUNDS:

(1) State General Fund

This is the appropriation contemplated in Title 41, Chapter 4, Section 94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section)

Total Departmental Emergency Fund	<u>450,000</u>	<u>450,000</u>
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12. Fair Trial Tax Transfer:

(a) Court Operations Program . . .		100,000
SOURCE OF FUNDS:		
(1) State General Fund	100,000	
Total Fair Trial Tax Transfer . . .	100,000	100,000
13. Feeding of Prisoners:		
(a) Institutional Services Corrections Program, Estimated		3,000,000
SOURCE OF FUNDS:		
(1) State General Fund for expenses of feeding prisoners in county jails	3,000,000	
Total Feeding of Prisoners	3,000,000	3,000,000
14. General Government:		12,500,000
SOURCE OF FUNDS:		
(1) Federal Revenue Sharing	12,500,000	
Total General Government	12,500,000	12,500,000
15. Governor's Conference, National:		
(a) Executive Direction Program		40,892
SOURCE OF FUNDS:		
(1) State General Fund	40,892	
Total National Governors' Conference	40,892	40,892
16. Governor's Councillor:		
(a) Executive Direction Program		36,000
SOURCE OF FUNDS:		
(1) State General Fund as provided in Title 36, Chapter 13, Section 13, 1975 Code of Alabama	36,000	
Total Governor's Councillor	36,000	36,000
17. Governor's Proclamation Expenses:		
(a) Executive Direction Program		150,000
SOURCE OF FUNDS:		
(1) State General Fund	150,000	
Total Governor's Proclamation Expenses	150,000	150,000
18. Governor' Widows Retirement:		
(a) Executive Direction Program		14,400

SOURCE OF FUNDS:

(1) State General Fund	<u>14,400</u>	
Total Governors' Widows Retirement	<u>14,400</u>	<u>14,400</u>

19. Insurance, State Employees':

(a) Administrative Support Service Program, Estimated		2,100,000
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SOURCE OF FUNDS:

(1) State General Fund, Estimated	<u>2,100,000</u>	
Total State Employees' Insurance	<u>2,100,000</u>	<u>2,100,000</u>

20. Interpreter's Account:

(a) Court Support Services Program, Estimated		1,000
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SOURCE OF FUNDS:

(1) State General Fund as provided in Title 12, Chapter 21, Sections 131-134, 1975 Code of Alabama	<u>1,000</u>	
Total Interpreter's Account	<u>1,000</u>	<u>1,000</u>

21. Law Enforcement Fund:

(a) Special Police Services Program		9,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	<u>9,000</u>	
Total Law Enforcement Fund ...	<u>9,000</u>	<u>9,000</u>

22. Law Enforcement Legal Defense:

(a) Legal Advice and Legal Service Program		5,000
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SOURCE OF FUNDS:

(1) State General Fund to carry out provisions of Act No. 259, 1957 Regular Session	<u>5,000</u>	
Total Law Enforcement Legal Defense	<u>5,000</u>	<u>5,000</u>

23. Legislators, National Conference of State:

(a) Legislative Operations and Support Program		38,720
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SOURCE OF FUNDS:

(1) State General Fund	<u>38,720</u>	
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Total National Conference of State Legislators	38,720	38,720
24. Mailing Tax Notices:		
(a) State Revenue Administration Program, Estimated		1,000
SOURCE OF FUNDS:		
(1) State General Fund	1,000	
Total Mailing Tax Notices	1,000	1,000
25. Matching Federal Funds not Otherwise Provided for:		
(a) Court Operations Program ..		90,000
SOURCE OF FUNDS:		
(1) State General Fund	90,000	
Total Matching Federal Funds Not Otherwise Provided for	90,000	90,000
26. Mental Health Fund, Alabama Special:		22,562,500
SOURCE OF FUNDS:		
(1) State General Fund Transfer	22,562,500	
Total Alabama Special Mental Health Fund	22,562,500	22,562,500
27. Printing of Legislative Acts and Journals:		
(a) Administrative Support Services Programs, Estimated		163,300
SOURCE OF FUNDS:		
(1) State General Fund	163,300	
Total Printing of Legislative Acts and Journals	163,300	163,300
28. Printing of State and County Privilege Licenses:		
(a) State Revenue Administration Program		11,000
SOURCE OF FUNDS:		
(1) State General Fund	11,000	
Total Printing of State and County Privilege Licenses	11,000	11,000
29. Public Defenders:		
(a) Court Operations Program ..		33,000

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SOURCE OF FUNDS:

(1) State General Fund for salaries of Public Defenders for the 21st Judicial Circuit, as provided by Act No. 1158, 1969 Regular Session	<u>33,000</u>	
Total Public Defenders	<u>33,000</u>	<u>33,000</u>

30. Registration of Voters:

(a) Special Services Program, Estimated		600,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>600,000</u>	
Total Registration of Voters	<u>600,000</u>	<u>600,000</u>

31. Removal of Prisoners:

(a) Special Police Services Program, Estimated		105,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>105,000</u>	
Total Removal of Prisoners	<u>105,000</u>	<u>105,000</u>

32. Social Security (General Fund Share):

(a) Administrative Support Service Program, Estimated		3,700,000
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(Includes payment to MICA)

SOURCE OF FUNDS:

(1) State General Fund	<u>3,700,000</u>	
Total Social Security (General Fund Share)	<u>3,700,000</u>	<u>3,700,000</u>

33. State Treasurer-Previous Year's Unpaid Warrants:

(a) Special Services Program, Estimated		136,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>136,000</u>	
Total State Treasurer-Previous Years Unpaid Warrants	<u>136,000</u>	<u>136,000</u>

E. FINANCIAL ASSISTANCE TO NON-STATE AGENCIES:

1. Amos Alonzo Stagg Bowl:

(a) Tourism and Travel Promotion Program		3,850
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SOURCE OF FUNDS:

(1) State General Fund	<u>3,850</u>	
Total Amos Alonzo Stagg Bowl ..	<u>3,850</u>	<u>3,850</u>

2. Appalachian Regional Commission:

(a) Planning Program		168,625
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SOURCE OF FUNDS:

(1) State General Fund	<u>168,625</u>	
Total Appalachian Regional Commission	<u>168,625</u>	<u>168,625</u>

3. Armed Forces Day in Alabama:

(a) Historical Resources Management Program		1,150
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,150</u>	
Total Armed Forces Day in Alabama	<u>1,150</u>	<u>1,150</u>

4. Azalea Trail Festival, Mobile:

(a) Tourism and Travel Promotion Program		2,140
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SOURCE OF FUNDS:

(1) State General Fund	<u>2,140</u>	
Total Mobile Azalea Trail Festival	<u>2,140</u>	<u>2,140</u>

5. Big Nance Creek Water Management District:

(a) Water Resource Development Program		1,925
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,925</u>	
Total Big Nance Creek Water Management District	<u>1,925</u>	<u>1,925</u>

6. Birmingham Chamber Music Society:

(a) Fine Arts Program		2,140
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SOURCE OF FUNDS:

(1) State General Fund	<u>2,140</u>	
Total Birmingham Chamber Music Society	<u>2,140</u>	<u>2,140</u>

7. Birmingham Festival of Arts, Inc.:

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(a) Fine Arts Program		21,380
SOURCE OF FUNDS:		
(1) State General Fund	21,380	
Total Birmingham Festival of Arts, Inc.	<u>21,380</u>	<u>21,380</u>
8. Blue and Gray Association Inc.:		
(a) Tourism and Travel Promotion Program		7,700
SOURCE OF FUNDS:		
(1) State General Fund	7,700	
Total Blue and Gray Association, Inc.	<u>7,700</u>	<u>7,700</u>
9. Chilton County Peach Festival:		
(a) Tourism and Travel and Pro- motion Program		6,400
SOURCE OF FUNDS:		
(1) State General Fund	6,400	
Total Chilton County Peach Festi- val	<u>6,400</u>	<u>6,400</u>
10. Choccolocco Creek Watershed Association:		
(a) Water Resource Development Program		3,000
SOURCE OF FUNDS:		
(1) State General Fund	3,000	
Total Choccolocco Creek Watershed Association	<u>3,000</u>	<u>3,000</u>
11. Choctawhatchee River Watershed Association, South- east:		
(a) Water Resource Development Program		1,925
SOURCE OF FUNDS:		
(1) State General Fund	1,925	
Total Southeast Choctawhatchee River Watershed Association ..	<u>1,925</u>	<u>1,925</u>
12. Civil Air Patrol:		
(a) Readiness and Recovery Pro- gram		30,000
SOURCE OF FUNDS:		
(1) State General Fund	30,000	

Total Civil Air Patrol	<u>30,000</u>	<u>30,000</u>
13. Coosa-Alabama River Improvement Association:		
(a) Water Resource Development Program		10,700
SOURCE OF FUNDS:		
(1) State General Fund	<u>10,700</u>	
Total Coosa-Alabama River Improvement Association	<u>10,700</u>	<u>10,700</u>
14. Coosa River Action Council, Inc.:		
(a) Water Resource Development Program		8,550
SOURCE OF FUNDS:		
(1) State General Fund	<u>8,550</u>	
Total Coosa River Action Council, Inc.	<u>8,550</u>	<u>8,550</u>
15. Deep Sea Fishing Rodeo, Alabama:		
(a) Tourism and Travel Promotion Program		1,285
SOURCE OF FUNDS:		
(1) State General Fund	<u>1,285</u>	
Total Alabama Deep Sea Fishing Rodeo	<u>1,285</u>	<u>1,285</u>
16. Dynne Creek Watershed Conservancy District:		
(a) Water Resource Development Program		1,925
SOURCE OF FUNDS:		
(1) State General Fund	<u>1,925</u>	
Total Dynne Creek Watershed Cons. Dist.	<u>1,925</u>	<u>1,925</u>
17. Elk River Development Agency:		
(a) Water Resource Development Program		6,400
SOURCE OF FUNDS:		
(1) State General Fund	<u>6,400</u>	
Total Elk River Development Agency	<u>6,400</u>	<u>6,400</u>

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18. Energy Board, Southern
States:

(a) Discovery and Development of
Mineral, Energy and Water Re-
sources, Geologic Research and
Topographic Mapping Program 21,171

SOURCE OF FUNDS:

(1) State General Fund 21,171

Total Southern States Energy
Board 21,171 21,171

19. Federation of Southern
Cooperatives:

(a) Tourism and Travel Promotion
Program 8,550
(For Miss Black Alabama Pageant)

SOURCE OF FUNDS:

(1) State General Fund 8,550

Total Federation of Southern
Cooperatives 8,550 8,550

20. Forest Festival, Alabama:

(a) Forest Information and Educa-
tion Program 4,275

SOURCE OF FUNDS:

(1) State General Fund 4,275

Total Alabama Forest Festival .. 4,275 4,275

21. Geneva County Tomato Festi-
val:

(a) Tourism and Travel Promotion
Program 4,275

SOURCE OF FUNDS:

(1) State General Fund 4,275

Total Geneva County Tomato Festi-
val 4,275 4,275

22. George Lindsey Celebrity Ben-
efit, Inc.:

(a) Tourism and Travel Promotion
Program 8,550

SOURCE OF FUNDS:

(1) State General Fund 8,550

Total George Lindsey Celebrity
Benefit, Inc. 8,550 8,550

23. Gulf Shores Tourist Association:		
(a) Tourism and Travel Promotion Program		11,543
SOURCE OF FUNDS:		
(1) State General Fund	11,543	
Total Gulf Shores Tourist Association	11,543	11,543
24. Guntersville Boat Races:		
(a) Tourism and Travel Promotion Program		7,310
SOURCE OF FUNDS:		
(1) State General Fund	7,310	
Total Guntersville Boat Races ...	7,310	7,310
25. Hank Williams Memorial Association:		
(a) Historical Resources Management Program		4,275
SOURCE OF FUNDS:		
(1) State General Fund	4,275	
Total Hank Williams Memorial Association	4,275	4,275
26. Helen Keller Property Board:		
(a) Historical Resources Management Program		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total Helen Keller Property Board	25,000	25,000
27. Interstate Mining Commission:		
(a) Planning Program		8,901
SOURCE OF FUNDS:		
(1) State General Fund	8,901	
Total Interstate Mining Commission	8,901	8,901
28. Junior Miss Pageant, Inc., America's:		
(a) Tourism and Travel Promotion Program		33,000
SOURCE OF FUNDS:		
(1) State General Fund	33,000	

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Total America's Junior Miss Pageant, Inc.	33,000	33,000
29. Ketchepedrakee Creek Watershed Conservancy District:		
(a) Water Resource Development Program		1,925
SOURCE OF FUNDS:		
(1) State General Fund	1,925	
Total Ketchepedrakee Creek Watershed Conservancy District	1,925	1,925
30. Lake Eufaula Summer Spectacular:		
(a) Tourism and Travel Promotion Program		7,700
SOURCE OF FUNDS:		
(1) State General Fund	7,700	
Total Lake Eufaula Summer Spectacular	7,700	7,700
31. Mobile Carnival Association:		
(a) Tourism and Travel Promotion Program		3,848
SOURCE OF FUNDS:		
(1) State General Fund	3,848	
Total Mobile Carnival Association	3,848	3,848
32. Mountain Lakes Tourist Association, Alabama:		
(a) Tourism and Travel Promotion Program		19,665
SOURCE OF FUNDS:		
(1) State General Fund	19,665	
Total Alabama Mountain Lakes Tourist Association	19,665	19,665
33. Pea River Historical and Genealogical Society:		
(a) Historical Resources Management Program		4,275
SOURCE OF FUNDS:		
(1) State General Fund	4,275	
Total Pea River Historical and Genealogical Society	4,275	4,275

34. Pea River Watershed Conser-
vancy District:(a) Water Resource Development
Program 1,925

SOURCE OF FUNDS:

(1) State General Fund 1,925Total Pea River Watershed Con-
servancy District 1,925 1,92535. Peanut Festival Association,
Inc., National:(a) Tourism and Travel Promotion
Program 10,260

SOURCE OF FUNDS:

(1) State General Fund 10,260Total National Peanut Festival As-
sociation, Inc. 10,260 10,26036. Pike County Pioneer Museum
Association:(a) Historical Resources Manage-
ment Program 4,275

SOURCE OF FUNDS:

(1) State General Fund 4,275Total Pike County Pioneer
Museum Association 4,275 4,275

37. Pimento Festival:

(a) Tourism and Travel Promotion
Program 855

SOURCE OF FUNDS:

(1) State General Fund 855Total Pimento Festival 855 85538. Riverboat Commission, Inc.,
Montgomery:(a) Tourism and Travel Promotion
Program 19,250

SOURCE OF FUNDS:

(1) State General Fund 19,250Total Montgomery Riverboat
Commission, Inc. 19,250 19,25039. Southern Championship Char-
ity Horseshow:(a) Tourism and Travel Promotion
Program 4,275

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SOURCE OF FUNDS:

(1) State General Fund	<u>4,275</u>	
Total Southern Championship Charity Horseshow	<u>4,275</u>	<u>4,275</u>

40. Spirit of America Festival,
Inc.:

(a) Tourism and Travel Promotion Program		3,850
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SOURCE OF FUNDS:

(1) State General Fund	<u>3,850</u>	
Total Spirit of America Festival, Inc.	<u>3,850</u>	<u>3,850</u>

41. Sports Hall of Fame:

(a) Historical Resources Manage- ment Program		28,500
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SOURCE OF FUNDS:

(1) State General Fund	<u>28,500</u>	
Total Sports Hall of Fame	<u>28,500</u>	<u>28,500</u>

42. Steer Show Association, Ala-
bama State:

(a) Agricultural Development Services Program		15,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>15,000</u>	
Total Alabama State Steer Show Association	<u>15,000</u>	<u>15,000</u>

43. Tallacoosa Highland Lakes
Association:

(a) Tourism and Travel Promotion Program		7,700
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SOURCE OF FUNDS:

(1) State General Fund	<u>7,700</u>	
Total Tallacoosa Highland Lakes Association	<u>7,700</u>	<u>7,700</u>

44. Tallasseehatchie Creek
Watershed Conservancy Dis-
trict:

(a) Water Resource Development Program		1,700
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,700</u>	
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Total Tallasseehatchie Creek Watershed Conservancy District	<u>1,700</u>	<u>1,700</u>
45. Tennessee River Valley Association:		
(a) Water Resource Development Program		11,970
SOURCE OF FUNDS:		
(1) State General Fund	<u>11,970</u>	
Total Tennessee River Valley Association	<u>11,970</u>	<u>11,970</u>
46. Tennessee Valley Publicity and Improvement Association:		
(a) Tourism and Travel Promotion Program		34,200
SOURCE OF FUNDS:		
(1) State General Fund	<u>34,200</u>	
Total Tennessee Valley Publicity and Improvement Association ..	<u>34,200</u>	<u>34,200</u>
47. Terrapin Creek Watershed Conservancy District:		
(a) Water Resource Development Program		1,925
SOURCE OF FUNDS:		
(1) State General Fund	<u>1,925</u>	
Total Terrapin Creek Watershed Conservancy District	<u>1,925</u>	<u>1,925</u>
48. Travel Council, Alabama:		
(a) Tourism and Travel Promotion Program		34,200
SOURCE OF FUNDS:		
(1) State General Fund	<u>34,200</u>	
Total Alabama Travel Council ..	<u>34,200</u>	<u>34,200</u>
49. Tri-Rivers Waterway Development Association:		
(a) Water Resource Development Program		23,085
SOURCE OF FUNDS:		
(1) State General Fund	<u>23,085</u>	
Total Tri-Rivers Waterway Development Association	<u>23,085</u>	<u>23,085</u>

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50. Vestavia Hills Dogwood Festival and Trail:

(a) Tourism and Travel Promotion Program 855

SOURCE OF FUNDS:

(1) State General Fund 855

Total Vestavia Hills Dogwood Festival and Trail 855 855

51. Veterans Day Committee, National:

(a) Historical Resources Management Program 5,990

SOURCE OF FUNDS:

(1) State General Fund 5,990

Total National Veterans Day Committee 5,990 5,990

52. Veterans Day in Alabama:

(a) Historical Resources Management Program 1,710

SOURCE OF FUNDS:

(1) State General Fund 1,710

Total Veterans Day in Alabama 1,710 1,710

53. Women's Hall of Fame, Alabama:

(a) Historical Resources Management Program 5,815

SOURCE OF FUNDS:

(1) State General Fund 5,815

Total Alabama Women's Hall of Fame 5,815 5,815

54. Y. M. C. A. Youth Legislature:

(a) Special Services Program 10,000

SOURCE OF FUNDS:

(1) State General Fund 10,000

Total Y.M.C.A. Youth Legislature 10,000 10,000

55. Cahaba Historical Commission:

(a) Historical Resources Management Program 6,000

SOURCE OF FUNDS:

(1) State General Fund 6,000

Total Cahaba Historical Commission	<u>6,000</u>	<u>6,000</u>
56. Motor Sports Hall of Fame:		
(a) Tourism and Travel Promotion Program		75,000
SOURCE OF FUNDS:		
(1) State General Fund	<u>75,000</u>	
Total Motor Sports Hall of Fame	<u>75,000</u>	<u>75,000</u>
57. Army Aviation Museum, Fort Rucker, Ala.		
(a) Historical Resources Management Program		75,000
SOURCE OF FUNDS:		
(1) State General Fund	<u>75,000</u>	
Total Army Aviation Museum, Fort Rucker	<u>75,000</u>	<u>75,000</u>
F. DEBT SERVICE FUNDED FROM THE GENERAL FUND:		
1. General Obligation Capital Improvement Bonds, Series A and B, Estimated		1,141,188
SOURCE OF FUNDS:		
(1) State General Fund, Series A and B, Estimated	<u>1,141,188</u>	
Total General Obligation Capital Improvement Bonds, Series A and B, Estimated	<u>1,141,188</u>	<u>1,141,188</u>
2. General Obligation Coosa Waterway Bonds, Series A, Estimated		650,848
SOURCE OF FUNDS:		
(1) State General Fund	<u>650,848</u>	
Total General Obligation Coosa Waterway Bonds, Series A, Estimated	<u>650,848</u>	<u>650,848</u>
3. General Obligation Docks Facilities Bonds, Series A and B, Estimated		2,899,600
SOURCE OF FUNDS:		
(1) State General Fund	<u>2,899,600</u>	
Total General Obligation Docks Facilities Bonds, Series A and B, Estimated	<u>2,899,600</u>	<u>2,899,600</u>

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4. General Obligation Inland Waterways Facilities Bonds, Series 1970 B, Estimated	613,200
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SOURCE OF FUNDS:

(1) State General Fund	613,200
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Total General Obligation Inland Waterways Facilities Bonds, Series 1970 B, Estimated	613,200	613,200
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5. Inland Waterway Improvement Bonds, Series A through D, Es- timated	437,543
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SOURCE OF FUNDS:

(1) State General Fund	437,543
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Total Inland Waterway Improve- ment Bonds, Series A through D, Estimated	437,543	437,543
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6. Tennessee-Tombigbee Water- way Bonds, Series A and B, Es- timated	880,433
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SOURCE OF FUNDS:

(1) State General Fund, Estimated pursuant to Constitutional Amendment No. CCLXX as pro- vided in Act No. 248, 1967 Regu- lar Session	880,433
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Total Tennessee-Tombigbee Waterway Bonds Series A and B, Estimated	880,433	880,433
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Section 3. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Section 4 and 5 of this bill, as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 40, Chapter 8, Sections 80-96, Code of Alabama 1975 and the Budget Management Act of 1976 (Act No. 494).

Section 4. That any surplus remaining in any appropriation herein made from the General Fund to any office, department, bureau, board, commission, or agency may be transferred, on order of the Governor, to any other appropriation herein made from the General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission, or agency.

Section 5. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 6. From the amounts received by the State of Alabama during the period October 1, 1980, through September 30, 1981, as grants or entitlements under the State and Local Fiscal Assistance Act of 1972, Public Law 92-512, 92nd Congress and any interest earned by the State thereon there is hereby appropriated the following:

1. Transfer to the State General Fund for State Employees Salary Increases 9,000,000.00

In the event that the amount of funds actually received is more than the anticipated grants or entitlements, said funds together with any interest, accruals, or reversions accruing from Revenue Sharing Investments are hereby appropriated for General Government to be spent at the discretion of the Governor. In the event that the amount of funds actually received is less than the anticipated grants or entitlements, then each appropriation shall be reduced on a pro rata basis.

Section 7. No funds appropriated herein may be expended for rent, leases, contracts, or purchases of data processing equipment or services or for rent of any office space on any contract, lease, purchase, or agreement made prior to September 30, 1980 for such items, unless approved or reapproved on or after October 1, 1980 by the Director of Finance.

Section 8. All appropriations shall be allotted and disbursed only in such proportions as the total sum appropriated bears to the total amount available in the source fund. An overdraft or deficit in any fiscal year for any fund shall be prevented as provided by law without discrimination whatsoever by any governor, department, board, bureau, commission, agency, office or institution against any department, board, bureau, commission, agency, office or institution.

Section 9. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 10. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 11. That each Department of State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 12. That this Act shall become effective October 1, 1980.

And the substitute was adopted.

Yeas 79; Nays 10.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Boles, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cooley, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Jackson, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—79

Nays:

Reps. Cheatwood, Crow, Hilliard, Holley, Holmes, Howard, Johnson (Roy), Langford, Trammell and Wyatt.

—10

AMENDMENT OFFERED

Rep. Turnham offered the following amendment No. 1 to the bill, H. 533 as amended:

Amend House Bill No. 533, Section 2 C 8, relating to the Department of Agriculture and Industries as follows:

On Line 13, of Page 15, under the column Appropriation Total, delete the figure "8,553,145" and insert in lieu thereof the figure "\$8,678,145".

On Line 23, of Page 15, under the column General Fund, delete the Figure "4,978,900" and insert in lieu thereof the figure "\$5,104,000".

On Line 25, of Page 16, under the column General Fund, delete the figure "4,978,900", and insert in lieu thereof the figure "\$5,079,000".

On Line 25, of Page 16, under the column Appropriation Total, delete the figure "12,977,437" and insert in lieu thereof the figure "\$13,327,437".

MOTION TO TABLE LOST

The motion offered by Rep. Owens to table the amendment No. 1 offered by Rep. Turnham to the bill, H. 533 as amended, was lost.

Yeas 32; Nays 41.

Yeas:

Mr. Speaker, Barton, Cabaniss, Campbell, Carothers, Clark (G), Coburn, Dial, Drinkard, Ford, Gregg, Hammett, Johnson (R. G.), Kelley, McKee, Manley, Moore, Olive, Owens, Patton, Payne, Pegues, Ray, Riddick, Sandusky, Sasser, Seibels, Starkey, Stewart, Stout, Waggoner and Zoghby.

—32

Nays:

Reps.: Adams (H), Albright, Blake, Boles, Brakefield, Carter, Cates, Cheatwood, Cooley, Cosby, Daniels, Dixon, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hall, Harper (O), Harvey, Hilliard, Holley, Holmes,

Johnson (Roy), Langford, Letson, Lewis, McMillan, Minus, Naramore, Penry, Rains, Reed, Roberts, Smith C), Trammell, Ward, Warren, Whatley, Williams and Wyatt.

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The question was again on adoption of the amendment No. 1 offered by Rep. Turnham to the bill, H. 533 as amended.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Owens to indefinitely postpone the amendment offered by Rep. Turnham to the bill, H. 533 as amended, was lost.

Yeas 42; Nays 43.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Blake, Boles, Cabaniss, Clark (G), Coburn, Dial, Drinkard, Ford, Gafford, Goodwin, Greer, Gregg, Holmes, Johnson (R. G.), Kelley, Laird, McKee, Manley, Mitchell, Moore, Olive, Owens, Parker, Payne, Pegues, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Starkey, Stewart, Stout, Trammell, Waggoner and Zoghby.

—42

Nays:

Reps.: Adams (H), Albright, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Cooley, Cosby, Crow, Daniels, Edwards, Gilmer, Grimsley, Grouby, Hall, Harper (O), Harvey, Hilliard, Holley, Howard, Langford, Letson, Lewis, McMillan, Minus, Naramore, Patton, Penry, Rains, Ray, Roberts, Smith (C), Smith (M), Turner, Turnham, Venable, Warren, Whatley, Williams, Willis and Wyatt.

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MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Albright offered the motion to reconsider the vote by which the motion to indefinitely postpone was lost, and the motion to reconsider was adopted.

Yeas 49; Nays 39.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Cabaniss, Campbell, Clark (G), Coburn, Dial, Drinkard, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harper (T), Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, McKee, McMillan, Manley, Mitchell, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Starkey, Stewart, Trammell, Waggoner and Zoghby.

—49

Nays:

Reps.: Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Cooley, Cosby, Crow, Daniels, Edwards, Gilmer, Grimsley, Grouby, Hammett,

Harper (O), Harvey, Holley, Howard, Langford, Letson, Lewis, Minus, Naramore, Penry, Rains, Ray, Roberts, Smith (C), Smith (M), Tucker, Turner, Turnham, Venable, Warren, Whatley, Williams, Willis and Wyatt.

—39

AMENDMENT INDEFINITELY POSTPONED

The question was again on the motion offered by Rep. Owens to indefinitely postpone the amendment No. 1 offered by Rep. Turnham to the bill, H. 533 as amended, and the motion was adopted.

Yeas 48; Nays 43.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bennett, Blake, Boles, Cabaniss, Campbell, Clark (G), Clark (W), Coburn, Dial, Drinkard, Ford, Gafford, Greer, Gregg, Harper (T), Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, McKee, McMillan, Manley, Mitchell, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Starkey, Stewart, Trammell, Waggoner and Zoghby.

—48

Nays:

Reps.: Bedsole, Bowling Brakefield, Carothers, Carter, Cates, Cheatwood, Cooley, Cosby, Crow, Daniels, Edwards, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Langford, Letson, Lewis, Minus, Naramore, Penry, Rains, Ray, Reed, Roberts, Smith (C), Smith (M), Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—43

AMENDMENT OFFERED

Rep. Turnham offered the following amendment No. 2 to the bill, H. 533 as amended:

Amend House Bill No. 533, Section 2 C 8, relating to the Department of Agriculture and Industries as follows:

On Line 13, of Page 15, under the column Appropriation Total, delete the figure "8,553,145" and insert in lieu thereof the figure "\$8,653,145".

On Line 23, of Page 15, under the column General Fund, delete the figure "4,978,900" and insert in lieu thereof the figure "5,079,000".

On Line 25, of Page 16, under the column General Fund, delete the figure "4,978,900", and insert in lieu thereof the figure "5,079,000".

On Line 25, of Page 16, under the column Appropriation Total, delete the figure "12,977,437" and insert in lieu thereof the figure "\$13,277,437".

AMENDMENT TABLED

On motion of Rep. Owens, the amendment No. 2 offered by Rep. Turnham to the bill, H. 533 as amended, was tabled.

Yeas 49; Nays 45.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bennett, Blake, Boles, Cabaniss, Campbell, Clark (G), Clark (W), Coburn, Cosby, Dial, Drinkard, Ford, Gafford, Goodwin, Gregg, Harper (T), Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, McKee, Manley, Mitchell, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Starkey, Stewart, Stout, Trammell, Waggoner and Zoghby.

—49

Nays:

Reps.: Adams (H), Bedsole, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Cooley, Crow, Daniels, Dixon, Edwards, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Langford, Letson, Lewis, McMillan, Minus, Naramore, Penry, Rains, Ray, Reed, Roberts, Smith (C), Smith (M), Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—45

AMENDMENT OFFERED

Rep. Naramore offered the following amendment to the bill, H. 533 as amended:

Amend Substitute to House Bill 533, by adding to Section 2 on page 69, Subsection 103 to read as follows:

103 Prevailing Wage Commission 14,580.00

AMENDMENT TABLED

On motion of Rep. Sasser, the amendment offered by Rep. Naramore was tabled.

Yeas 46; Nays 33.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Cabaniss, Carothers, Carter, Clark (G), Cosby, Dial, Dixon, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hammett, Howard, Johnson (R. G.), Johnson (Roy), Letson, Lewis, McKee, Manley, Minus, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

—46

Nays:

Reps.: Albright, Blake, Boles, Bowling, Brakefield, Buskey, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Drinkard, Ford, Goodwin, Greer, Hall, Harper (T), Holley, Kelley, Langford, Moore, Naramore, Parker, Rains, Reed, Sandusky, Starkey, Stewart, Stout, Trammell, Tucker and Williams.

—33

AMENDMENT OFFERED

Rep. Smith (C) offered the following amendment to the bill, H. 533 as amended:

Amend Substitute to Substitute House Bill 533 on page 16, between line 23 and 24 inserting thereof the number \$2,300,000 for Regional Farmers Market to be located in Montgomery.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Smith (C), to the bill, H. 533 as amended, was tabled.

Yeas 52; Nays 31.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Brakefield, Cabaniss, Carothers, Clark (G), Clark (W), Coburn, Cosby, Dial, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (T), Harvey, Jackson, Johnson (R. G.), Johnson (Roy), Lewis, Manley, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Starkey, Stewart, Trammell, Turner, Waggoner, Williams and Zoghby.

—52

Nays:

Reps.: Blake, Boles, Bowling, Carter, Cheatwood, Cobb, Cooley, Crow, Daniels, Dixon, Edwards, Grouby, Harper (O), Holley, Holmes, Kelley, Langford, Letson, McKee, Minus, Rains, Reed, Roberts, Smith (C), Smith (J), Turnham, Venable, Ward, Warren, Willis and Wyatt.

—31

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested.

S. J. R. 138. HONORING DR. HARRY MELVIN PHILPOTT FOR DISTINGUISHED SERVICE AS PRESIDENT OF AUBURN UNIVERSITY.

Also:

S. J. R. 139. COMMENDING DR. HANLY FUNDERBURK ON HIS SELECTION TO LEAD AUBURN UNIVERSITY AS ITS TWENTIETH PRESIDENT.

Also:

S. J. R. 141. MOURNING THE DEATH OF COMMISSIONER GEROGE T. TAYLOR OF EUFAULA, ALABAMA.

Also:

S. J. R. 142. COMMENDING THE ATHLETIC PROGRAM AND THE OUTSTANDING ATHLETES OF THE ALABAMA SCHOOL FOR THE BLIND.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

H. 533 RESUMED

AMENDMENT OFFERED

Rep. Horn offered the following amendment to the bill, H. 533 as amended:

Amend Substitute to House Bill 533, Section 2, Page 79, Subsection E, immediately following Line 15 by adding a new item 8. New item 8 to read as follows:

8. Birmingham Sickie Cell:

(a) Sickie Cell Education Program	30,000
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SOURCE OF FUNDS:

(1) State General Fund	30,000
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Total Birmingham Sickie Cell . . .	30,000	30,000
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Further amend the bill by renumbering remaining items accordingly.

MOTION TO TABLE LOST

The motion offered by Rep. Owens to table the amendment offered by Rep. Horn to the bill, H. 533 as amended, was lost.

Yeas 30; Nays 44.

Yeas:

Mr. Speaker, Adams (H), Barton, Blake, Cabaniss, Carothers, Clark (G), Coburn, Dixon, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Letson, McKee, McMillan, Manley, Olive, Owens, Parker, Patton, Pegues, Penry, Ray, Riddick, Sasser, Turnham, Venable and Willis.

—30

Nays:

Reps.: Adams (C), Albright, Amari, Bennett, Boles, Buskey, Campbell, Carter, Cheatwood, Clark (W), Cooley, Crow, Drinkard, Edwards, Ford, Gafford, Hall, Harper (T), Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Lewis, Naramore, Payne, Rains, Reed, Seibels, Smith (C), Stewart, Trammell, Tucker, Turner, Waggoner, Whatley, Wyatt and Zoghby.

—44

The question was then on the adoption of the amendment offered by Rep. Horn to the bill, H. 533 as amended.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Owens to indefinitely postpone the amendment offered by Rep. Horn, was lost.

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Yeas 29; Nays 56.

Yeas:

Mr. Speaker, Blake, Cabaniss, Campbell, Clark (G), Coburn, Cosby, Goodwin, Gregg, Grimsley, Grouby, Hammett, Letson, McKee, Manley, Minus, Olive, Owens, Parker, Patton, Pegues, Ray, Riddick, Sasser, Shoemaker, Starkey, Turnham, Venable and Williams.

—29

Nays:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Boles, Bowling, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Greer, Hall, Harper (T), Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Laird, Langford, Moore, Naramore, Payne, Rains, Reed, Seibels, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Tucker, Turner, Waggoner, Ward, Warren, Willis, Wyatt and Zoghby.

—56

AMENDMENT ADOPTED

The question was again on the amendment offered by Rep. Horn to the bill, H. 533 as amended, and the amendment was adopted.

Yeas 73; Nays 13.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Gregg, Grouby, Hall, Harper (O), Harper (T), Harrison, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, Moore, Naramore, Patton, Payne, Penry, Rains, Reed, Riddick, Seibels, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—73

Nays:

Mr. Speaker, Cabaniss, Clark (G), Coburn, Grimsley, Hammett, McKee, Manley, Minus, Olive, Owens, Ray and Sasser.

—13

AMENDMENT OFFERED

Rep. Stout offered the following amendment to the bill, H. 533 as amended.

On page 78, above line 6, insert the following language:

There is hereby appropriated conditional appropriations to be conditional upon the conditions of the Alabama General Fund and upon the approval of the Governor.

On page 78, line 6, after the word "to", insert the following language:
NON-ESSENTIAL

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Stout to the bill, H. 533 as amended, was tabled.

Yeas 56; Nays 21.

Yeas:

Mr. Speaker, Amari, Bedsole, Bennett, Boles, Brakefield, Buskey, Cabaniss, Carothers, Carter, Clark (G), Clark (W), Coburn, Daniels, Dial, Dixon, Edwards, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Harrison, Hilliard, Horn, Jackson, Kelley, Laird, Langford, McKee, Manley, Minus, Naramore, Olive, Owens, Pegues, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Stewart, Trammell, Tucker, Turner, Turnham, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—56

Nays:

Reps.: Albright, Barton, Blake, Bowling, Cheatwood, Cobb, Cooley, Cosby, Drinkard, Hall, Hammett, Harper (O), Harvey, Johnson (R. G.), Johnson (Roy), Letson, Payne, Rains, Smith (C), Starkey, and Venable.

21

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 655. Relating to Walker County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 744. Relating to Winston County; to provide that the minimum salary of the chief clerks for the probate judge, sheriff, tax assessor and tax collector be set at \$750.00 per month to be paid in the same manner that such clerks are now being paid; to allow the county commission to authorize cost of living raises for such clerks; to give this act retroactive effect to October 1, 1979, and to make the bill effective upon the repeal of Amendment No. 255 of the State Constitution.

Also:

H. 749. Relating to Randolph County; to provide for the filling of a vacancy by appointment of the Governor or a special election called by the Governor in municipal offices not otherwise provided for by law, and in the county offices of sheriff, county superintendent of education, county commissioners, tax collector and tax assessor when such vacancy occurs with 50% or more of the term remaining.

Also:

H. 789. Relating to Limestone County; providing a personnel system governing the hiring, removal, salaries, promotions, demotions, training and official conduct of all employees of the county; defining violations of the Act, and imposing penalties for violations thereof.

Also:

H. 790. Relating to Limestone County; to provide further for the salary of the county superintendent of education, effective upon the next term of office of said officer.

Also:

H. 791. Relating to Limestone County; providing that the county coroner shall have the authority to appoint a deputy coroner who shall serve in the absence of the coroner.

Also:

H. 796. Relating to Choctaw County; amending the title and Sections 1 and 4 and repealing Section 5 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), relating to the appointment of the county superintendent of education, so as to provide further for the appointment and compensation of such officer.

Also:

H. 826. To authorize the Randolph County Commission to determine the qualifications for the county engineer, provided, such qualifications meet the minimum requirements under the state law regarding engineers, and to provide that the engineer does not have to be qualified as a land surveyor in order for the state highway department to participate in the payment of a portion of said county engineer's salary. This act shall have retroactive effect.

Also:

H. 837. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Trinity in Morgan County.

Also:

H. 840. To amend Sections 4, 16 and 24 of Act No. 13 of the 1947 Regular Session (Local Acts 1947, p. 7) as amended, relating to the Phenix City Municipal pension and relief system for the benefit of firemen and policemen so as to restore the original retirement benefits to certain firemen and policemen employed prior to May 1, 1978; to provide for purchasing prior service credit; to provide that an amount equal to a total of 11.4 percent of the salary of firemen and policemen shall be paid into said fund monthly by said city out of the city treasury; and to provide further for proration of benefits in the event of insufficiency of money in the fund.

Also:

H. 841. Relating to Phenix City; to amend sections 3.05, 5.14, 5.17, and 5.26, and to repeal section 5.19 of Act No. 71, H. 114, Regular Session 1977 (Acts 1977, p. 78), as amended, which provides for a council manager form of government in certain municipalities based on a population classification, so as to further provide for the compensation of the mayor and council members; to provide that the city manager shall sit with the planning board in certain meetings; to further provide for classifications of anticipated revenues; and to further provide methods for comparing proposed expenditures with expenditures from other years.

Also:

H. 842. To alter, rearrange and extend the boundary lines and corporate limits of the City of Anniston, in Calhoun County, Alabama.

Also:

H. 847. Relating to Morgan County; to amend further Act No. 280, H. 739, 1959 Regular Session (Acts 1959, p. 842), entitled, "An Act To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Morgan County, Alabama," so as to further provide for said financing by increasing the costs and charges of court.

Also:

H. 855. Relating to Calhoun County; to provide an additional expense allowance for the coroner.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 199. CREATING THE ELMORE COUNTY FIRE DISTRICT STUDY COMMISSION.

Also:

H. J. R. 202. MOURNING THE DEATH OF MR. MAJOR WATT ESPY, SR., PROMINENT ALABAMA BUSINESSMAN, BANKER AND CIVIC LEADER.

Also:

H. J. R. 204. NAMING THE UNIT TRAINING EQUIPMENT SITE NUMBER TWO AT FORT RUCKER, ALABAMA, THE "SALIBA-WARD UNIT, TRAINING EQUIPMENT SITE."

Also:

H. J. R. 205. COMMENDING AND CONGRATULATING THE GROVE HILL ACADEMY REBELS ON THEIR CLASS 1A STATE FOOTBALL CHAMPIONSHIP.

Also:

H. J. R. 206. COMMENDING GOVERNOR FOB JAMES, MS. CAROLINE S. CAVANAUGH AND THE EMPLOYEES OF THE ALABAMA BUREAU OF PUBLICITY AND INFORMATION.

Also:

H. J. R. 207. Relative to expressing support of the State's Health Planning and Development mechanism and formally requesting that the Department of Health, Education and Welfare be equally supportive of the State's internal efforts and to guarantee all Alabama citizens quality health care services at the lowest possible cost.

Also:

H. J. R. 209. Relative to commending the observance of April 13 to 19 as Private Property Week.

Also:

H. J. R. 210. COMMENDING MRS. LOTTIE LOWERY AS ALABAMA'S "MOTHER OF THE YEAR."

Also:

H. J. R. 211. CONGRATULATING MISS DIEADRE MONIQUE KEY, ALABAMA'S JUNIOR MISS FOR 1980.

Also:

H. J. R. 215. COMMENDING CULLMAN COUNTY'S FARM-CITY COMMITTEE.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 664. To authorize the circuit clerk of Madison County, Alabama to collect and retain the execution fee on applications for passports allowed under the provisions of 22 USC § 214, as implemented by regulations of the Department of State.

McDOWELL LEE,
Secretary.

H. 533 RESUMED
AMENDMENT OFFERED

Rep. McMillan offered the following amendment to the bill, H. 533 as amended:

Amend H. B. 533 as last substituted as follows:

On page 23 in line 28, delete "825,000" and insert in lieu thereof:

875,000

On page 24 in line 8 and on page 24 in line 9, wherever it appears, delete "825,000" and insert in lieu thereof:

875,000

and further amend by increasing appropriate totals by 50,000.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. McMillan to the bill, H. 533 as amended, was tabled.

Yeas 46; Nays 22.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Boles, Brakefield, Cabaniss, Campbell, Carothers, Clark (G), Cobb, Coburn, Cosby, Dial, Dixon, Gregg, Grimsley, Grouby, Hall, Harrison, Jackson, Johnson (R. G.), Letson, McKee, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Turner and Warren.

—46

Nays:

Reps.: Bedsole, Buskey, Cheatwood, Clark (W), Cooley, Crow, Greer, Harper (T), Hilliard, Hines, Holley, Holmes, Kelley, McMillan, Penry, Stewart, Stout, Tucker, Williams, Willis, Wyatt and Zoghby.

—22

AMENDMENT OFFERED

Rep. Reed offered the following amendment to the bill, H. 533 as amended:

Amend H. 533 as last substituted as follows:

On page 79, Section 2, Subsection D, immediately following line 15 by adding a new item 8 to read as follows:

8. Macon County Retardation and
Rehabilitation Center, Tus-
kegee, Alabama:

(a) Retardation and Rehabilita-
tion Center

20,000

SOURCE OF FUNDS:

(1) State General Fund	<u>20,000</u>	
Total Macon Retardation and Re- habilitation Center, Tuskegee, Alabama	<u>20,000</u>	<u>20,000</u>

Further amend by renumbering the remaining items accordingly and increasing appropriate totals therefor by \$20,000.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Reed to the bill, H. 533 as amended, was tabled.

Yeas 41; Nays 36.

Yeas:

Mr. Speaker, Adams (H), Bennett, Blake, Boles, Brakefield, Cabaniss, Campbell, Carothers, Clark (G), Coburn, Cooley, Cosby, Dial, Grimsley, Grouby, Hammett, Harvey, Hines, Jackson, Johnson (Roy), Kelley, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Rains, Riddick, Sasser, Seibels, Shoemaker, Starkey, Stewart, Trammell, Tucker and Williams.

—41

Nays:

Reps.: Albright, Bowling, Buskey, Carter, Cheatwood, Clark (W), Cobb, Crow, Dixon, Gafford, Greer, Gregg, Hall, Harper (O), Harrison, Hilliard, Holley, Holmes, Horn, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McMillan, Payne, Ray, Smith (C), Smith (M), Turner, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—36

MOTION TO SUSPEND RULES

Rep. Owens offered the motion to suspend the rules and consider passage of the bill, H. 533 as amended.

DIVISION OF THE QUESTION

Rep. Johnson (Roy) called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Owens to suspend the rules in order to consider passage of the bill, H. 533 as amended, and the motion was lost, lacking a four-fifths vote.

Yeas 81; Nays 21.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard,

Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holmes, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—81

Nays:

Reps.: Albright, Boles, Buskey, Cheatwood, Clark (W), Cooley, Hall, Hilliard, Holley, Horn, Howard, Johnson (Roy), Langford, McMillan, Penry, Reed, Smith (M), Trammell, Tucker, Turner and Wyatt.

—21

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 664. To authorize the circuit clerk of Madison County, Alabama to collect and retain the execution fee on applications for passports allowed under the provisions of 22 USC § 214, as implemented by regulations of the Department of State.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 533 RESUMED

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Reed offered the motion to reconsider the vote by which the motion to suspend the rules to consider passage of the bill, H. 533 as amended, was lost, and the motion to reconsider was adopted.

Yeas 84; Nays 9.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg,

Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holmes, Jackson, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—84

Nays:

Reps.: Boles, Cheatwood, Hilliard, Holley, Johnson (Roy), Langford, Rains, Trammell and Wyatt.

—9

MOTION TO SUSPEND RULES ADOPTED

The question was again on the motion offered by Rep. Owens to suspend the rules and consider passage of the bill, H. 533, and the motion was adopted.

Yeas 84; Nays 16.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holmes, Jackson, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—84

Nays:

Reps.: Albright, Boles, Buskey, Cheatwood, Clark (W), Cooley, Hall, Hilliard, Holley, Howard, Johnson (Roy), Kennedy, Langford, Trammell, Tucker and Wyatt.

—16

And the bill, H. 533 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 9.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holmes, Horn, Howard, Jackson, Johnson (R. G.),

Kelley, Kennedy, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Ownes, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Willis, Zoghby.

—93

Nays:

Reps.: Boles, Buskey, Cheatwood, Hilliard, Holley, Johnson (Roy), Langford, Trammell and Wyatt.

—9

RESOLUTIONS

The following resolutions were introduced:

By Reps. Kennedy, Buskey, Clark (W), Harper (T), Sandusky, Parker, Zoghby, Turner, Penry, Bedsole and McMillan:

H. J. R. 220. COMMENDING MR. GEORGE D. JUZANG, MANAGER OF THE MOBILE MUNICIPAL AUDITORIUM COMPLEX.

WHEREAS, the Alabama Legislature has noted with extreme pleasure the February 1980 promotion of Mr. George D. Juzang to the position of Manager of the Mobile Municipal Auditorium Complex; and

WHEREAS, as the first Black to assume this responsible and prestigious office, Mr. Juzang is eminently qualified through his long association in various capacities with the Complex since 1970, first employed as an assistant manager trainee; rising in responsibility to Assistant Manager, Grade 1, he later, in 1972, was named Chief Assistant Manager in which capacity he served until he assumed the recent managerial directorship of the Complex; and

WHEREAS, Mr. Juzang is an early product of Mobile's St. Peter Claver School and a graduate of Most Pure Heart of Mary High School; his undergraduate studies at Spring Hill College toward a degree in Business Administration were interrupted by military service during which years he attended and graduated from Fort Benjamin Harrison's U. S. Army Finance School; and

WHEREAS, honorable discharged from the United States Army in 1969, Mr. Juzang attended the University of South Alabama, earning his B.S. Degree in 1972; and

WHEREAS, he also is a former assistant teacher with Project Head Start, former accounts reconciler with Bank of America, and is currently affiliated with numerous organizations including the International Association of Auditorium Managers, the Non-Partisan Voters League and the Urban League of Mobile County; he is a coordinator for the Miss Black Alabama Pageant, and a selection of the Mobile Jaycees' Outstanding Young Men of 1977; Now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. George D. Juzang as Manager of the Mobile Municipal Auditorium Complex,

a position of weighty responsibilities requiring the extraordinary ability and integrity of one whose performance has been rated of highest quality by the Mobile County Personnel Board.

BE IT FURTHER RESOLVED, That in praise of his selection, and as the first Black to be charged with managerial capacity in this model of municipal auditorium complexes, we congratulate Mr. Juzang and direct that he be presented with a copy of this resolution that he and his wife, Mrs. Margie Malone Juzang, and their young son, George, Jr., may know of our warm praise and high regard.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 220, was adopted.

Also:

By Reps. Carothers, Bedsole, Edwards, Sasser, Williams, Johnson (R. G.), Shoemaker, Rains, Cabaniss, Wyatt, Moore, Holley, Smith (C), Grimsley, McKee, Stewart, Harper (T), Daniels, Ray, Laird, Whatley, Lewis, Payne, Gilmer and Carter:

H. J. R. 221. REJECTING THE RECOMMENDATIONS OF THE JUDICIAL COMPENSATION COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the report of the Judicial Compensation Committee created by Section 6.09 of Article VI of the Constitution of Alabama, filed and submitted to the legislature on February 7, 1980, and the recommendations contained therein, are hereby rejected.

The motion offered by Rep. Carothers to suspend the rules and adopt the resolution, H. J. R. 221, was lost, lacking a four-fifths vote.

Yeas 51; Nays 13.

Yeas:

Mr. Speaker, Albright, Bedsole, Blake, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Crow, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Hines, Holley, Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Lewis, McKee, Moore, Naramore, Olive, Patton, Payne, Pegues, Rains, Sasser, Seibels, Shoemaker, Starkey, Turnham, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—51

Nays:

Reps.: Amari, Barton, Bennett, Clark (G), Drinkard, Gregg, Hilliard, Howard, Manley, Minus, Parker, Tucker and Turner.

—13

Also:

By Rep. Harper (T):

H. J. R. 222. COMMENDING JOSEPH T. CALLAWAY AND MARY LIB CALLAWAY FOR DONATING A FORTY FOOT YACHT TRAWLER TO THE MARINE ENVIRONMENTAL SCIENCES CONSORTIUM.

WHEREAS, Joseph T. Callaway and Mary Lib Callaway unselfishly donated a forty foot yacht trawler named "Flying Tiger" to the Marine Environmental Sciences Consortium; and

WHEREAS, the Marine Environmental Sciences Consortium is an institution established by the Legislature of Alabama in 1971 for the purpose of marine research and education; and

WHEREAS, the Marine Environmental Sciences Consortium is an institution which does not have the resources available to purchase a yacht equal in value to the "Flying Tiger" and

WHEREAS, the "Flying Tiger" has been of inestimable value to the Marine Environmental Sciences Consortium in marine research and education; and

WHEREAS, the "Flying Tiger" has been used for numerous research and education projects, including the development of an artificial off-shore reef, the environmental assessment of the Theodore ship channel in support of the Theodore Industrial Park, the research for a potential off-shore long-line shark fishery, and the teaching of numerous classes at the Dauphin Island Sea Lab;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that Joseph T. Callaway and Mary Lib Callaway be highly commended for unselfish demonstration of public spirit in donating the "Flying Tiger" to the Marine Environmental Sciences Consortium.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Joseph and Mary Callaway and to each of their grandchildren.

On motion of Rep. Harper (T), the rules were suspended and the resolution, H. J. R. 222, was adopted.

SPECIAL ORDER RESUMED

And the bill:

S. 242. To make an additional appropriation for salaries and other expenses for the use of the legislature for the fiscal year ending September 30, 1980.

Was read a third time at length and passed.

Yeas 67; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Holmes, Johnson (R. G.), Laird, Langford, Letson, McMillan, Manley, Minus, Moore, Owens, Parker, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Waggoner, Williams and Willis.

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Nays: Reps.: Venable and Wyatt.

—2

And the bill:

H. 571. (With Substitute) (With Amendment): The purpose of this bill is to provide for an unconditional cost-of-living salary increase for all state employees and officials, including certain judges under certain circumstances, and certain other officials; to provide for revisions of pay rates by the State Personnel Director and by the Administrative Director of Courts; and to appropriate such additional funds as may be necessary to pay such increase.

Was taken up.

SUBSTITUTE OFFERED

Rep. Owens offered the following substitute to the bill, H. 571 with pending substitute reported by the Standing Committee on Ways and Means:

A BILL
TO BE ENTITLED
AN ACT

To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1981.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning on October 1, 1980, all state employees who are listed in the classified and unclassified service of the state as defined in Section 36-26-10, Code of Alabama 1965, and all other state employees and all hourly employees of the state, except those set out in Section 2 herein, and all legislative personnel, officers, and employees including but not limited to Legislative Reference Service personnel, whether subject to the state merit or not, and all circuit clerks and registers and state judges, except as provided in Section 2 herein, and all employees of the county health departments who are employed subject to the state merit system and whose compensation is paid out of a budget provided and agreed upon by the state, county, or other contributing agency under the direction of the state board of health shall receive a 8½% salary increase. Such increase shall include in its base the total increase authorized by Act No. 79-724 of the 1979 Regular Session (Acts 1979, p. 1283). Any cost-of-living increase granted under the provisions of this Act shall in no way apply to any local supplement provided to any judges or any other employee of this state. All such increases shall be in addition to the salary received by such employees. It is the intention of the legislature that the Governor be, and he is hereby authorized to transfer such amounts to, from, and between such departments, boards, bureaus, commissions, agencies, offices, and institutions under his direct control for the purpose of paying the salary increase for state employees and officials.

Section 2. The provisions of this Act shall not apply to any merit system employee or hourly employee whose service or rates of pay are covered by any labor agreement or contract, nor shall this act apply to state judges whose salaries are payable from the state treasury if such judges' salaries are increased under and by virtue of: (1) The recommendations contained in the Report of the Judicial Compensation Commission to the 1980 Regular Session of the legislature becoming law; or (2) the enactment into law of legislation altering and amending said Report; or (3) any other legislation enacted into law during the 1980 Regular Session of the legislature.

Section 3. The director of the state personnel department shall revise the schedule of rates set forth in the pay plan for state employees subject to the merit system law to reflect the increase provided and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith. The director of the state personnel department shall also revise the rates of pay for hourly state employees and for legislative personnel, including but not limited to Legislative Reference Service personnel, not subject to the state merit system law to reflect the increases herein provided and the comptroller shall draw his warrants in accordance therewith. With respect to court officials and employees within the Unified Judicial System who serve the trial courts of the state and the Administrative Office of Courts, the Administrative Director of Courts shall revise the schedule of rates set forth in the pay plan for such court officials and employees to reflect the increase provided herein, and shall certify the same to the State Comptroller who shall issue warrants in accordance therewith.

Section 4. Such amounts as may be necessary to pay state employees the increased salaries provided herein are hereby appropriated for the fiscal year beginning October 1, 1980, from such funds as the salaries of the several state employees are paid, or, if there is not sufficient money in such funds, then from the general fund of the state treasury or any revenue sharing funds, such additional sums as may be necessary to pay the salary increases herein provided for such state employees and officials as are subject to the provisions of this Act.

Section 5. All appropriations shall be allotted and disbursed only in such proportions as the total sum appropriated bears to the total amount available in the source fund. An overdraft or deficit in any fiscal year for any fund shall be prevented as provided by law without discrimination whatsoever by the governor, or any department, board, bureau, commission, agency, office or institution against any department, board, bureau, commission, agency, office or institution.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

And the bill:

H. 571. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1981.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

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CO-SPONSOR ADDED

Rep. Holmes was added as co-sponsor to the bill H. 571.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 663. Relating to Class 3 municipalities; providing that any municipality having a mayor-council form of government and having a general municipal election or runoff election required by general or local act at times different from the dates now or hereafter provided by Article 2, Chapter 46 of Title 11, Code of Alabama 1975, may elect by ordinance to have said elections held at the time or times required by said Article 2.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 815. (With Substitute) (With Amendments): To make further appropriations of State Funds for the fiscal year ending September 30, 1980.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make further appropriations of State Funds for the fiscal year ending September 30, 1980.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made from the State General Fund there is hereby appropriated from said fund for the fiscal year ending September 30, 1980 the following:

For transfer to the State Board of Corrections:	
For Operations and Maintenance	9,000,000
For State Treasurer:	
For Operations and Maintenance	75,000
For Alabama Development Office	600,000
For Medical Services Administration—Medicaid Program:	
For Operations and Maintenance	15,000,000
For Department of Mental Health:	
For Operations and Maintenance	6,200,000
For Department of Civil Defense:	
For 50% Fund Matching	178,000

The above appropriations in Section 1 shall be conditional upon the condition of the General Fund and upon approval of the Governor.

Section 2. In addition to all appropriations heretofore or hereafter made from Alabama State Bar Association Fund there is hereby appropriated from said fund for the fiscal year ending September 30, 1980 the following:

For the Alabama State Bar Association:	
For Operations and Maintenance	50,000

Section 3. In addition to all appropriations heretofore or hereafter made from Alabama Liquified Petroleum Gas Board Fund there is hereby appropriated from said fund for the fiscal year ending September 30, 1980 the following:

For Alabama Liquified Petroleum Gas Board:	
For Operations and Maintenance	12,000

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley,

Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 815 as Substituted in Section 1, after line 33 inserting the following words and figures:

For State Board of Corrections to the counties:

For care of State prisoners 2,500,000

And the amendment was adopted.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—91

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 815 as Substituted, on page 2, line 16, after Section 3 by adding a new Section 4 as follows:

Section 4. Of the funds conditionally appropriated by this Act that the funds appropriated for Medical Services Administration shall be paid prior to any other appropriations.

Further amend House Bill 815 as Substituted by renumbering all subsequent sections accordingly.

And the amendment was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow,

Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—90

AMENDMENT OFFERED

Rep. Owens offered the following amendment to the bill, H. 815 as amended:

Amendment to Ways and Means Substitute for H. B. 815.

Amend Ways and Means Substitute for H. B. 815 by adding immediately after Section 3 the following:

"Section 4. There is hereby appropriated to a Revolving Fund within the Department of Finance, known as the Air Transportation Revolving Fund, such funds that are received from various agencies, through interagency agreement, for the use of air transportation services. The aforesaid funds are to be deposited and expended from time to time as approved by the Governor."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—85

And the bill, H. 815 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow,

Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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MOTION TO SUSPEND HOUSE RULES LOST

The motion offered by Rep. Cabaniss to suspend the House Rules for the rest of the day, was lost.

SPECIAL ORDER RESUMED

And the bill:

H. 161. To amend Sections 41-10-20 and 41-10-27 of the Code of Alabama 1975, as amended by Act No. 99, H. 23 of the 1978 Second Special Session (Acts 1978, Vol. III, p. 1807), relating to the terms and conditions for grants made by the state industrial development authority, so as to further provide for the authority and criteria for making grants and to include certain airport authorities within the definition of grantee.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Hines, Holmes, Howard, Jackson, Johnson (R. G.), Kennedy, Laird, Langford, Lewis, Manley, Minus, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turnham, Waggoner, Ward, Warren, Willis, Wyatt and Zoghby.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 663. Relating to Class 3 municipalities; providing that any municipality having a mayor-council form of government and having a general municipal election or runoff election required by general or local act at times

different from the dates now or hereafter provided by Article 2, Chapter 46 of Title 11, Code of Alabama 1975, may elect by ordinance to have said elections held at the time or times required by said Article 2.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Hall:

H. R. 223. MOURNING THE DEATH OF MR. GARLEN E. STEPHENS, SR., OF GURLEY, MADISON COUNTY, ALABAMA.

MOTION TO ADJOURN LOST

The motion offered by Rep. Holmes that the House adjourn was lost.

SPECIAL ORDER RESUMED

And the bill:

H. 576. To further provide for Capitol security police officers; to provide that the director of public safety shall employ, supervise and direct such personnel; to provide for the powers, duties and jurisdiction of such security police officers; to provide for the compensation and benefits for such officers; to transfer all persons presently employed as Capitol security policemen to department of public safety; to provide that said officers shall be within the merit system; to transfer all materials, equipment, vehicles, and other property of whatsoever nature now used by such officers to the department of public safety; to provide that the director of finance shall furnish suitable office space for such security officers; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security, for the fiscal year ending September 30, 1980; to make an additional appropriation to the department of public Safety, from the appropriations allocated to the finance department for the purpose of Capitol security, for the fiscal year ending September 30, 1981; to amend Section 41-4-180 and to specifically repeal sections 41-4-182, 41-4-183, 41-4-184 and 41-4-185 of the Code of Alabama 1975, so as to remove the Capitol security police from the jurisdiction of the finance director; and to repeal conflicting laws.

Was taken up.

AMENDMENT OFFERED

Rep. Smith (M) offered the following amendment to the bill, H. 576:

Amend House Bill 576, Section 4, Page 7, Line 7, after the words "amount of" by striking \$246,000 and inserting in lieu thereof \$195,500.

SUBSTITUTE AMENDMENT OFFERED

Rep. Dial offered the following substitute amendment to the amendment offered by Rep. Smith (M) to the bill, H. 576:

Amend H. B. 576 on page 7 on line 7 strike \$246,000 and add \$170,000.

SUBSTITUTE AMENDMENT TABLED

On motion of Rep. Smith (M), the substitute amendment offered by Rep. Dial, was tabled.

Yeas 41; Nays 23.

Yeas:

Reps.: Bowling, Carothers, Carter, Cheatwood, Clark (G), Cosby, Daniels, Dixon, Ford, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Hilliard, Horn, Jackson, Johnson (R G.), Kennedy, Langford, Letson, Minus, Naramore, Olive, Owens, Patton, Payne, Penry, Riddick, Roberts, Seibels, Shoemaker, Smith (M), Starkey, Stewart, Turnham, Ward, Warren, Willis and Zoghby.

—41

Nays:

Reps.: Barton, Bedsole, Blake, Cabaniss, Cates, Coburn, Crow, Dial, Gilmer, Grimsley, Harvey, Holmes, Laird, Lewis, Manley, Moore, Pegues, Rains, Sasser, Stout, Waggoner, Whatley and Williams.

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CO-SPONSOR ADDED

Rep. Dixon was added as co-sponsor to the bill, H. 576.

The question was then on the amendment offered by Rep. Smith (M) to the bill, H. 576.

MOTION TO POSTPONE TABLED

On motion of Rep. Smith (M), the motion offered by Rep. Holmes to postpone consideration of the bill, H. 576 with pending amendment to the twenty-fifth legislative day, was tabled.

Yeas 53; Nays 8.

Yeas:

Mr. Speaker, Albright, Bedsole, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Cheatwood, Coburn, Cosby, Daniels, Dixon, Drinkard, Edwards, Gafford, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Hilliard, Horn, Jackson, Johnson (R. G.), Letson, Lewis, Minus, Naramore, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Venable, Ward, Warren, Williams, Willis and Wyatt.

—53

Nays:

Reps. Barton, Buskey, Cates, Holmes, Kennedy, Langford, Sasser and Turner.

—8

CO-SPONSOR REMOVED

Rep. Holmes was removed as co-sponsor to the bill, H. 576.

AMENDMENT ADOPTED

The question was again on the amendment offered by Rep. Smith (M) to the bill, H. 576, and the amendment was adopted.

Yeas 54; Nays 1.

Yeas:

Mr. Speaker, Albright, Bedsole, Blake, Bowling Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cosby, Daniels, Drinkard, Gafford, Grimsley, Grouby, Hall, Harper (O), Harper (T), Horn, Jackson, Johnson (R. G.), Kennedy, Laird, Letson, Lewis, Minus, Naramore, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Williams and Wyatt.

—54

Nay: Rep. Holmes

—1

And the bill, H. 576 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 2.

Yeas:

Mr. Speaker, Albright, Amari, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Horn, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, Lewis, McKee, Minus, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—74

Nays: Reps.: Holmes and Turner.

—2

MOTION TO ADJOURN LOST

The motion offered by Rep. Holmes that the House adjourn, was lost.

SPECIAL ORDER RESUMED

And the bill:

H. 42. (With Substitute): To require that all nonresident aliens that own or lease agricultural land, or engage in farming within Alabama must annually report to the Commissioner of Agriculture and Industries, and to establish penalties for failure to report.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Agriculture and Forestry, said substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To require that all nonresident aliens that own or lease agricultural land, or engage in farming within Alabama must annually report to the Commissioner of Agriculture and Industries, and to establish penalties for failure to report.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. As used in this act unless the context otherwise requires:

(1) "Nonresident alien" means:

a. An individual who is not a citizen of the United States and who is not domiciled in the United States.

b. A corporation incorporated under the laws of any foreign country.

c. A corporation organized in the United States, beneficial ownership of which is held, directly or indirectly, by nonresident alien individuals.

d. A trust organized in the United States or elsewhere if beneficial ownership is held, directly or indirectly, by nonresident alien individuals.

e. A partnership or limited partnership organized in the United States or elsewhere if beneficial ownership is held, directly or indirectly, by nonresident alien individuals.

(2) The term "beneficial ownership" includes interests held by a nonresident alien individual directly or indirectly holding or acquiring a ten percent or greater share in the partnership, limited partnership, corporation or trust, or directly or indirectly through two or more such entities. In addition, the term "beneficial ownership" shall include interests held by all nonresident alien individuals if the nonresident alien individuals in the aggregate directly or indirectly hold or acquire twenty-five percent or more of the partnership, limited partnership, corporation or trust.

Section 2. Reports by nonresident aliens. Every nonresident alien, owning or leasing agricultural land, or engaged in farming in this state, shall file with the Commissioner of Agriculture and Industries, on or before March 31 of each year, on forms approved by the Commissioner of Agriculture and Industries, a report containing the following:

(1) The nonresident alien's name, address, residence and citizenship.

(2) A declaration of the type of agricultural activity engaged in by the reporting nonresident alien.

(3) The acreage and location of agricultural land owned outside corporate limits of any city of this state listed by county at the end of the preceding calendar or fiscal year.

(4) The approximate number and kind of livestock or poultry owned, contracted for, fed or kept; the approximate number of acres used for trees being grown or cut for pulpwood or lumber; and for each agricultural crop, fruit or other horticultural produce grown or contracted for during the preceding calendar or fiscal year.

(5) The number of acres owned and opeated by nonresident alien, the number of acres leased by the nonresident alien, and the number of acres leased to the nonresident alien. If a livestock or crop-share lease, the nonresident alien shall disclose the share of the livestock or the crop to which the nonresident alien is entitled under the lease. The nonresident alien shall also disclose whether such nonresident alien is represented and, if so represented, the name of the individual or firm acting in such capacity.

Section 3. Penalties.

For purpose of this section a report is timely filed if the report is filed prior to May first of the year. Failure to file by May first shall be punishable by a fine of fifty dollars.

The Commissioner of Agriculture and Industries shall notify any person whom the commissioner has reason to believe is required to file a report as provided by this act and who has not filed a timely report that the person may be in violation of this section. Reports filed after May first shall be accompanied by a fine in the amount of fifty dollars as required above, and the filing of report after May first shall not be deemed complete or timely if it does not include said fine. Beginning July 1, any person required to report under this chapter who has not filed shall be assessed a fine of one hundred dollars for each day in which the report is not filed. This fine shall not exceed one thousand dollars, and the Commissioner or a designated representative of the Commissioner shall have the power to levy all fines. The Commissioner of Agriculture and Industries shall include on the notice a states of the penalty which will be assessed if the report is required and is not filed within sixty days.

The Commissioner of Agriculture and Industries shall certify the probate court of any county in which lands owned by nonresident aliens are located that said nonresident alien has failed to pay fines assessed in this section and the probate court of each county is hereby in power to order the sale of lands therein for the payment of the fines levied by this section in the same manner and with the same procedures authorized in Chapter 10 of Title 40, Code of Alabama, 1975, for the collection of unpaid taxes.

Section 4. The Commissioner shall include in the annual report a summary of the information relating to non-resident aliens. A copy of that portion of the annual report shall be sent to the probate judge in each county of the state.

Section 5. All laws or parts of laws in conflict herewith are hereby repealed.

Section 6. The provisions of this act are severable. If any part of this act is declared to be invalid or unconstitutional such declaration shall not affect the part which remains.

Section 7. This act shall become effective October 1, 1980.

And the substitute was adopted.

Yeas 79; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon,

Drinkard, Edwards, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—79

Nay: Rep. Hilliard.

—1

CO-SPONSORS ADDED

Reps. Rains, Harper (O), Crow, Gilmer, Smith (C), Smith (M), Smith (J), Venable and Blake were added as co-sponsors to the bill, H. 42.

AMENDMENT OFFERED

Rep. Bedsole offered the following amendment to the bill, H. 42 as amended:

Amend the Substitute for H. B. 42 in Section 1, page 2 immediately following line 19 by inserting the following new definition:

(3) agricultural land means:

(a) land utilized in the production of agricultural commodities, including forest products.

(b) agricultural land does not include: leases granting the right to explore for and produce minerals from the land; mineral and royalty interest regardless of type or duration; options to purchase a contract for a purchase or sale of mineral interests of any kind; tracts of land or easements acquired in connection with the exploration, extraction, refining, manufacturing, processing or sale of minerals or their derivatives.

And further amend the Substitute for H. B. 42 on Page 2, Line 33 by striking out the words owned outside incorporated limits of any city of and insert in lieu thereof the following: in

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 67; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Bedsole, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Rains, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Ward, Whatley, Williams, Willis and Zoghby.

—67

Nay: Rep. Gregg.

—1

And the bill, H. 42 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Bedsole, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—69

Nay: Rep. Hilliard.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 242. To make an additional appropriation for salaries and other expenses for the use of the legislature for the fiscal year ending September 30, 1980.

Also:

S. 329. To authorize the governing body of any county having a population of 600,000 according to the 1970 or any subsequent Federal decennial census to pay the actual cost of replacing any clothing or equipment of a deputy sheriff, probation officer or juvenile detention officer of the county that is damaged or destroyed while such officer is engaged in the performance of his official duties and acting within the line and scope of his authority.

McDONALD LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Kennedy to suspend the rules in order to take up out of order the bill, H. 668, was lost.

And the bill:

H. 384. (With Substitute): To amend Sections 32-6-60, 32-6-61, and 32-6-65, Code of Alabama 1975, regarding the issuance of motor vehicle license plates, so as to extend the period of use of the present license tag, alter the distribution schedule, require machine prepared receipts, and to capture the color of the motor vehicle in state and county records.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 32-6-60, 32-6-61, and 32-6-65, Code of Alabama 1975, regarding the issuance of motor vehicle license plates, so as to extend the period of use of the present license tag, alter the distribution schedule, require machine prepared receipts, provide a fine for driving without a current plate, to capture the color of the motor vehicle in state and county records, and to repeal in part Section 40-12-10, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 32-6-60, 32-6-61, and 32-6-65, Code of Alabama 1975, are hereby amended to read as follows:

§ 32-6-60.

"Effective from and after October 1, 1980, the licensing, registration and ad valorem taxation of motor vehicles in compliance with the laws of the State of Alabama shall be on a staggered basis. Provided, however, the actual distribution of the license plates described in Sections 32-6-63 and 32-6-64 shall begin from and after January 1, 1982. For the fiscal year 1981 the license plates used for the previous five years as set out in Section 32-6-50, Code of Alabama 1975, and Act No. 524, Regular Session 1975, shall continue to be used in the same manner as used in the past five years. An appropriate 1981 tab, disc or other device suitable for attaching to said motor vehicle tag or plate shall be issued upon the payment of the annual license tax prescribed by law for the 1981 fiscal year. While the actual issuance of license plates described in Sections 32-6-63 and 32-6-64, Code of Alabama 1975, on a staggered basis shall not begin until January 1, 1982, the licensing, registration and ad valorem taxation of motor vehicles shall be on a staggered basis effective from and after October 1, 1980.

"To implement this subdivision, the licensing, registration and taxation may be for periods less than or greater than 12 months during the conversion year only. However, such prororation of fees during the implementation of a staggered registration system shall result in the collection of a total amount of moneys for the taxable year no more nor less than the current annual amounts received.

"During the implementation period and thereafter the licensing, registration and taxation for vehicles weighing 12,000 12,001 pounds and over shall be prorated on a monthly basis."

"§ 32-6-61.

"The staggered system for the licensing, registration and taxation of motor vehicles shall be implemented thusly: The first letter of an individual's last name shall determine the month in which a vehicle owner shall register his vehicle(s), as indicated below:

"January A, D
"February B
"March C, E
"April F, G, N

"May	H, O
"June	M, I
"July	P, L
"August	J, K, R
"September	Q, S, T
"October	U, V, W, X, Y, Z
"November	Trucks, mobile homes, commercial fleets, etc.
"December	Trucks, mobile homes, commercial fleets, etc.
"January	A, D
"February	B
"March	C, E
"April	F, G, N
"May	H, O
"June	M, I
"July	P, L
"August	J, K, R
"September	Q, S, T
"October	U, V, W, X, Y, Z, trucks Mobile homes, commercial and fleet vehicles
"November	Trucks, mobile homes, commercial and fleet vehicles

"After the conversion period all owners of private passenger vehicles and pickup trucks of 12,000 pounds and under shall continue to register their vehicles over a 12-month period during the month assigned to the first initial of their last name. All fleets and commercial vehicles shall be registered during the months of October and November. All license plates issued on a staggered registration basis shall expire on the last day of the month which precedes the month assigned for the purchase or renewal of license registration.

"All license plates issued to motor vehicles for which licensing, registration and taxation is due on October and November shall expire on September 30.

"During the implementation period and thereafter all licensing, registration and ad valorem taxation of motor vehicles shall be prorated on a monthly basis.

"All persons who acquire a motor vehicle which is located in this state and required to be registered in this state, with exception of licensed motor vehicle dealers who purchase a vehicle for resale, shall within ten calendar days from date of purchase re-register the vehicle with the probate judge or other county official authorized and required by law to issue license plates, of the county in which the owner resides, if the owner is an individual, or of the county in which said motor vehicle is used or operated if the owner is a firm, corporation or association. The owner shall be issued a new registration receipt and purchase a license plate or validation decal(s) to the appropriate month assigned for renewal; however, no additional fee or ad valorem tax need be paid other than registration issuance fee when renewal month and year remain the same.

"§ 32-6-65.

"(a) There shall be one uniform registration renewal form to be used statewide. Such form shall be designed so as to provide for both the transfer of ownership and the registration of the vehicle. The department of revenue, or

any other state agency authorized to do so, shall print and issue vehicle registration renewal notices in such a way that they can be processed or read by 'optical character reader' machines. All receipts shall be sent to the county agencies charged with handling vehicle registration. All receipts shall be machine prepared. The state and the county shall capture the color of the motor vehicle in their permanent records. This paragraph shall not give the department of revenue authority to centralize vehicle registration. Centralized registration is specifically prohibited and it is the legislative intent that automotive vehicle registration shall remain at the county level.

"(b) A penalty of \$5.00 \$50.00 shall be assessed by the official charged with issuing motor vehicle licenses for the late registration of a motor vehicle under the system of registration imposed by this subdivision. Licenses shall be renewed at any time during the month of expiration; provided, however, persons renewing licenses within ten calendar days after the month of expiration shall pay only a \$2.00 penalty fee. It shall be the duty of all sheriffs, police officers, state troopers, license inspectors, deputy license inspectors, field agents of the department of revenue, and other law enforcement officers to arrest any person operating a motor vehicle without the current license plate displaying the proper tab, disc or decal. Persons apprehended, more than ten days after the month of expiration of the license, upon conviction by a court of competent jurisdiction, shall be fined not less than \$75.00.

"All penalties assessed by this Act shall be distributed in the same manner as motor vehicle licenses and registration fees are distributed as provided in Sections 40-12-269 and 40-12-270, Code of Alabama 1975. Portions of Section 40-12-10, Code of Alabama 1975, as they may conflict with this Act, are hereby repealed and superseded. This fee shall not be construed as coming under the requirements of Section 40-12-269."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cooley, Crow, Dial, Drinkard, Edwards, Gilmer, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Venable, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—70

CO-SPONSOR ADDED

Rep. Rains was added as co-sponsor to the bill, H. 384.

AMENDMENT OFFERED

Rep. Ward offered the following amendment to the bill, H. 384 as amended:

In the synopsis, on page 1, line 19 after the comma insert: to exempt certain counties from the provisions of this law,

In the title, on page 1, on line 33 after the comma insert: to exempt certain counties from the provisions of this law.

In Section 1, on page 2, after line 25 insert the following new paragraph.

Provided, however, counties which sell less than 30,000 tags per year may be exempt from this section. Said counties may continue to sell tags from October 1 through November 15 in the same manner said tags are presently sold, with the approval of the county commission.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 44; Nays 29.

Yeas:

Mr. Speaker, Adams (C), Bennett, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Cates, Cheatwood, Clark (W), Dixon, Edwards, Gilmer, Greer, Grimsley, Grouby, Hammett, Harper (O), Johnson (R. G.), Kelley, Laird, Langford, Letson, McKee, Minus, Naramore, Owens, Ray, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Trammell, Venable, Ward, Warren, Whatley, Williams and Willis.

—44

Nays:

Reps.: Barton, Bedsole, Blake, Carothers, Carter, Coburn, Cosby, Crow, Daniels, Dial, Drinkard, Goodwin, Harper (T), Harrison, Hilliard, Howard, Mitchell, Olive, Parker, Payne, Pegues, Penry, Rains, Reed, Sasser, Stewart, Tucker, Turner and Zoghby.

—29

AMENDMENT OFFERED

Rep. Greer offered the following amendment No. 1 to the bill, H. 384 as amended:

In the synopsis, on page 1, line 19 after the comma insert: to exempt certain counties from the provisions of this law,

In the title, on page 1, on line 33 after the comma insert: to exempt certain counties from the provisions of this law

In Section 1, on page 2, after line 25 insert the following new paragraph.

Provided, however, counties which sell less than 100,000 tags per year may be exempt from this section. Said counties may continue to sell tags from October 1 through November 15 in the same manner said tags are presently sold.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Greer to the bill, H. 384 as amended, was tabled.

Yeas 41; Nays 18.

Yeas:

Reps.: Bedsole, Blake, Brakefield, Cabaniss, Campbell, Carter, Cheawood, Clark (W), Coburn, Cosby, Crow, Dial, Gafford, Gilmer, Goodwin, Grimsley,

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Grouby, Hammett, Harper (O), Harper (T), Hilliard, Holmes, Horn, Howard, Lewis, McKee, Mitchell, Moore, Naramore, Parker, Payne, Pegues, Ray, Riddick, Seibels, Shoemaker, Smith (J), Smith (M), Venable, Ward and Zoghby.

—41

Nays:

Reps.: Adams (C), Cates, Edwards, Greer, Harrison, Kelley, Laird, Letson, Olive, Patton, Penry, Reed, Roberts, Smith (C), Starkey, Stewart, Turner and Wyatt.

—18

AMENDMENT OFFERED

Rep. Greer offered the following amendment to the bill, H. 384 as amended:

In the synopsis, on page 1, line 19 after the comma insert: to exempt certain counties from the provisions of this law,

In the title, on page 1, on line 33 after the comma insert: to exempt certain counties from the provisions of this law

In Section 1, on page 2, after line 25 insert the following new paragraph.

Provided, however, counties which sell less than 75,000 tags per year may be exempt from this section. Said counties may continue to sell tags from October 1 through November 15 in the same manner said tags are presently sold.

AMENDMENT TABLED

On motion of Rep. Dial, the amendment No. 2 offered by Rep. Greer to the bill, H. 384 as amended, was tabled.

Yeas 39; Nays 19.

Yeas:

Reps.: Bedsole, Bennett, Blake, Brakefield, Cabaniss, Carter, Cheatwood, Clark (W), Coburn, Cosby, Crow, Daniels, Dial, Gilmer, Goodwin, Grouby, Hammett, Harper (O), Harper (T), Hilliard, Horn, Howard, Langford, Lewis, McKee, Mitchell, Moore, Naramore, Olive, Payne, Pegues, Riddick, Seibels, Shavers, Shoemaker, Smith (M), Willis, Wyatt and Zoghby.

—39

Nays:

Reps.: Adams (C), Barton, Carothers, Cates, Edwards, Greer, Kelley, Laird, Letson, Patton, Rains, Roberts, Starkey, Stewart, Turner, Venable, Ward, Whatley and Williams.

—19

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Messrs. Goodwin and Taylor:

S. 196. To amend Section 25-4-16, Section 25-4-74, Section 25-4-78, Section 25-4-91, Code of Alabama 1975, as last amended, realting to the Alabama Unemployment Compensation Act to redefine "wages" to include back pay awards; to distribute such payments over the period covered by such payments; to describe the effect receipt of such payments shall have on the receipt of benefits and to permit a claim to be reopened and redetermined after the end of the benefit year if the original determination was based upon false or misrepresented information.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 196. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Gullledge:

S. 38. To authorize the examination of any small loan company, finance company, and other individual or person holding any license from the State Banking Department; and to authorize the Superintendent of Banks to prescribe examination fees and per diem allowance of examiners to be paid by licensees to cover expense of examinations.

Also:

By Messrs. Lemaster and Kirkland:

S. 257. To amend Section 40-12-10, Code of Alabama 1975, to provide for the appointment of the License Inspector in each county by the County Commission, to provide for the duties of the License Inspector, to provide for collection of penalties and citation fees on delinquent licenses and distribution of such penalties and citation fees to the County General Fund, to provide for the appointment of Deputies to the License Inspector and to provide for the salary of the License Inspector and his Deputies and expenses of his office to be paid by the County Commission.

Also:

By Mr. Kirkland:

S. 480. To repeal Section 11-43-11 of the Code of Alabama 1975 which section prohibits the employment of a municipal officer by a corporation holding a franchise to use the streets of the city.

Also:

By Messrs. Taylor, Goodwin, Higginbotham, Weeks, Denton, Keener, Bailey, Martin and Mitchem:

S. 497. To amend Sections 4 and 5 of Act No. 79-808, H. 823, Regular Session, 1979, (Acts of '79, p. 1487) which relates to the financial responsibility for the cost of medical treatment of certain indigent patients.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 38. Banking.
- S. 257. Local Government.
- S. 480. Judiciary.
- S. 497. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Bailey, Gulledge, Taylor, Lemaster, Harrison, Britnell, Denton, Robertson, Keener, Proctor, Higginbotham, deGraffenried, Parsons, Little, Hall, Holmes, Kirkland, St. John, White, Cook, Vacca, McDonald, Figures and Goodwin:

S. 360. To amend Section 36-30-2, Code of Alabama 1975, which compensates survivors of firemen and peace officers killed in the line of duty, so as to extend the eligibility period.

Also:

By Mr. Proctor:

S. 401. To amend Code of Alabama, 1975, § 16-13-52, to authorize the State Superintendent of Education to approve an alternate four month reporting period of student attendance for the purpose of determining the number of teachers earned under the minimum program formula.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 360. Ways and Means.
- S. 401. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. McDonald and Goodwin:

S. 346. To amend Sections 41-10-20 and 41-10-27 of the Code of Alabama 1975, as amended by Act No. 99, H. 23 of the 1978 Second Special Session (Acts 1978, Vol. III, p. 1807), relating to the terms and conditions for grants made by the state industrial development authority, so as to further provide for the authority and criteria for making grants and to include certain airport authorities within the definition of grantee.

Also:

By Messrs. Taylor, Goodwin and Keener:

S. 197. To amend Section 25-4-5, Section 25-4-10, Section 25-4-53, Section 25-4-113, Section 25-4-118, Section 25-4-141 and Section 25-4-145, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to remove provisions covering certain participants in federally funded programs; to redefine the definition of "educational institution"; to provide for punishment by fine and/or imprisonment for failure to hold in trust contributions deducted from employees; to provide employees immunity from civil suits for acts performed in their official capacity except for wanton or malicious conduct; to permit disclosure of information to welfare officials in performance of official duties in connection with aid to families and dependent children and with restriction, for economic analysis; to remove requirement for an individual to testify even if testimony might be self-incriminating; to increase, upon conviction of violation of code requirements, maximum fine from \$250 to \$500 and maximum length of imprisonment from 3 months to 12 months; to increase statute of limitations for conviction for violations from 2 to 3 years and to establish procedures for the collection of overpayment of benefits.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 346. State Administration.

S. 197. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Martin:

S. 508. To amend Section 41-5-24, Code of Alabama 1975, which provides for the disposition of money received by the Department of Examiners of Public Accounts, so as to permit the Department to receive and retain monies and grants from the federal government.

Also:

By Mr. Pearson:

S. 468. To create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of such judge; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other Circuit Judges in the State; to further provide for a division of authority and duties between judgeships in said Circuit; to increase the number of Circuit Judges in the Tenth Judicial Circuit of Alabama to 21; repeal all laws or parts of laws in conflict herewith; and to provide the effective date of this act.

Also:

By Mr. Holmes:

S. 354. To promote the conservation of the state's petroleum resources and to encourage the use of alternative motor fuels, and to accomplish such measures by offering a tax incentive in the form of a reduced rate of taxation on the motor fuel known as "gasohol," as defined herein.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 508. State Administration.

S. 468. Ways and Means.

S. 354. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Messrs. Robertson, Britnell and Glass:

S. 250. To prescribe that the name, address, case records, payments and services to any recipient of public assistance or welfare, except those records of adopted or foster care children, shall be deemed a public record; to require that the Commissioner of Pensions and Security be responsible for making such records available upon the request of any citizen; to require the state department of pensions and security to pay any legal fees and costs for any person who must petition the court to obtain such records; to amend Section 38-2-6 of the Code of Alabama, 1975, so as to remove the confidentiality of such records; and to repeal conflicting laws.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 250 State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. McDonald (With Notice and Proof):

S. 503. Relating to Madison County; to provide that any person who taught in more than one school system for a period in excess of thirty years, and who contributed to the Teachers' Retirement System and who drew retirement benefits prior to being appointed or elected to any elected office in Madison County, shall be entitled to continue receiving retirement benefits from the Teachers' Retirement System while serving as an elected official; providing retroactive payments for eligible persons.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 503 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 503. Local Legislation No. 4.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. McDonald and Smith:

S. 505. To amend Section 22-51-8 of the Code of Alabama 1975, relating to boards of directors of regional mental health facilities, so as to provide further for the composition of such boards.

Also:

By Mr. McDonald:

S. 399. To provide for the granting of up to five years creditable service under the teachers' retirement system of Alabama for service rendered in certain private schools in Alabama; to provide for the methods and procedures to calculate the member contributions required to purchase such credit and the conditions for eligibility; and to provide that the member shall pay the total cost for such credit.

Also:

By Mr. Keener:

S. 513. Prescribing a certain county salary supplement for each circuit judge in the sixteenth judicial circuit; providing that such supplement shall be in lieu of all other expense allowances and salary supplements heretofore provided by law for such judges and providing that such supplements shall be paid in equal monthly installments from the general fund of the county within said circuit.

Also:

By Mr. Martin:

S. 251. Relating to ad valorem taxes; to provide for a refund of certain payments of taxes under certain conditions for ad valorem taxes paid by a taxpayer who claims an exemption or who is assessed based upon an exemption which results in an overpayment of taxes; and to further provide for the claiming of certain exemptions provided by law.

Also:

By Mr. Mitchem:

S. 466. To amend Section 22-28-23, Code of Alabama 1975, (Alabama Air Pollution Control Act) in order to remove the authority of municipal governing bodies to exercise air pollution control jurisdiction over agricultural and farming operations conducted within the corporate limits or police jurisdiction of such municipality.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 505. Local Government.

S. 399. Ways and Means.

S. 513. Local Legislation No. 1.

S. 251. Ways and Means.

S. 466. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Taylor (With Notice and Proof):

S. 543. Relating to Lowndes County; providing for clerical assistance for the tax assessor and tax collector of such county until September 1, 1980; and giving this act retroactive effect.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 543 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 543. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Weeks (With Notice and Proof):

S. 129. Relating to Macon County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual or nonprofit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 129 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Keener (With Notice and Proof):

S. 394. Relating to Etowah County; to provide for an expense allowance for the chairman and board members of the Gadsden Water Works and Sewer Board.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 394 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Keener (With Notice and Proof):

S. 395. Relating to Etowah County; providing expense allowances to the official court reporters of the sixteenth judicial circuit payable from the general fund of the county.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 395 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Keener (With Notice and Proof):

S. 396. Relating to Etowah County; providing for the total compensation for the clerk of the jury commission; and repealing all conflicting laws.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 396 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Mitchem (With Notice and Proof):

S. 541. To provide for distribution of the share of in-lieu-of-taxes payments of T.V.A. for Marshall County and the appropriate municipalities therein.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 541 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Taylor (With Notice and Proof):

S. 493. Relating to Wilcox County; to provide certain expense allowances for the Tax Assessor and Tax Collector of said county and to repeal all conflicting statutes.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 493 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 129. Local Legislation No. 1.
- S. 394. Local Legislation No. 1.
- S. 395. Local Legislation No. 1.
- S. 396. Local Legislation No. 1.
- S. 541. Local Legislation No. 1.
- S. 493. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Parsons:

S. 54. To amend Section 36-27-23, Code of Alabama 1975, which provides for the general administration and responsibility for the proper operation of the state employees' retirement system, so as to provide further for said general administration and responsibility for proper operation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 54. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Teague, Denton and Keener:

S. 542. To amend Section 37-3-4 of the Code of Alabama 1975, known as the Alabama Motor Carrier Act, so as to provide that any motor carrier who transports property exclusively by open top dump trucks and trailers without pneumatic loading and unloading devices shall be exempt from those provisions of the Motor Carrier Act which provide for the filing of tariffs, schedules or contracts or the establishment of rates and to provide that all carriage by such vehicles be conducted pursuant to an otherwise lawful agreement.

Also:

By Mr. Denton:

S. 237. To amend Section 11-42-21, Code of Alabama, 1975, which section provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 542. Ways and Means.

S. 237. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. deGraffenried and Cook:

S. 453. To amend section 12-17-61, Code of Alabama 1975, relating to the number of district court judges, so as to provide two district court judges for Tuscaloosa County, two judges for Cullman County, two judges for Marshall County, and to provide for the appointment of such additional district judges.

Also:

By Messrs. Mitchem, Teague, McDonald, Denton, Lemaster, deGraffenried, Miller, Keener, Taylor, Bailey, Martin, Kirkland and Figures:

S. 467. To authorize and make provision for the incorporation of the Alabama Agricultural Development Authority; to provide for the directors of the Authority and their compensation; to provide for the powers, authorities and duties of the Authority and its board of directors; to authorize the Authority to make loans to others for the purpose of acquiring, by purchase, construction or otherwise, land, any building or other improvement thereon or thereto, and any personal properties necessary or suitable for use in farming, ranching, the production of agricultural commodities (including the products of aquaculture and silvaculture) or the treating, processing or storing of such agricultural commodities when such activities are customarily engaged in by farmers as a part of farming, such loans to be secured or evidenced by such mortgages, deeds of trust, notes, debentures, bonds or other secured or unsecured evidences of indebtedness as the board of directors of the Authority may determine; to purchase or to make commitments to purchase mortgages, deeds of trust, notes, bonds or other secured or unsecured debt obligations or portions thereof or participations therein, executed by the obligors thereon to obtain funds with which to acquire, by purchase, construction or otherwise, reconstruct or improve such facilities; to authorize the Authority to contract with other to originate or service any loans made by it or mortgages or other instruments purchased by it; to authorize the Authority to foreclose such mortgages or other instruments, sell the equity of redemption in such security interests and purchase the equity of redemption of the grantor of the said security interests; to authorize the Authority to receive and accept aid or contributions for furtherance of any of its purposes; to authorize the Authority to collect fees and charges in connection with its activities; to authorize the Authority to sell at public or private sale, with or without public bidding, any mortgage or other instrument held by it; to authorize the Authority to procure various types of insurance and guarantees; to authorize the Authority to borrow money for any of its corporate purposes; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from or referable to loans made by the Authority, any mortgages or other instruments purchased by the Authority, and from any of its other property; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the Authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on

the property out of the revenues from which such securities are payable; to provide for the use of the proceeds of any securities issued by the Authority; to provide for the refunding, by the issuance of such securities of the Authority, of securities theretofore issued or obligations theretofore assumed by it; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for fiduciaries; to make the securities issued by the Authority eligible securities which may be given as security for the deposit of State funds; to provide for the employment by the Authority of such officers, employees and agents as its business may require; to provide for the investment of funds of the Authority; to authorize the Authority to enter into contracts for the management of any of its properties; to authorize the sale or conveyance, with or without consideration, by the Authority of any of its properties; to exempt the property and income of the Authority, and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to Judges of Probate; to exempt the Authority from all laws of the State governing usury, prescribing or limiting interest rates or requiring competitive bids for contracts to be entered into by the State or any public corporation; to exempt the Authority from the supervision and control of State agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of the Authority; and to provide for the dissolution of the Authority and the disposition of its property.

Also:

By Mr. Cook:

S. 57. To amend Section 31-2-92, Code of Alabama 1975, to allow for the institution of courts-martial proceedings after the expiration of the duty assignment during which the offense occurred.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 453. Ways and Means.
- S. 467. State Administration.
- S. 57. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Martin:

S. 222. To amend Section 41-16-51 of the Alabama Code of 1975 relating to exemptions from the competitive bid law applicable to local governments so as to correct an error made by the codifiers of the Code in the exemption relating to medical clinic boards.

Also:

By Mr. Britnell:

S. 84. Proposing an amendment to the Constitution of Alabama providing that resolutions shall be restricted to one subject clearly expressed in its title.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 222. Health.

SENATE MESSAGE

The Senate Bill, S. 84, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Constitution and Elections.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Britnell:

S. 1. To provide in addition to benefits now received a graduated percentage cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1979, provided that no person whose retirement under the Employees' Retirement System is based primarily upon service as an employee of an employer participating under § 36-27-6 shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this act, provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be appropriated to the Employees' Retirement System from the Alabama Special Education Trust Fund; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; to provide the necessary and proper appropriations and funding for such purposes; and to provide for the repeal of conflicting laws.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 1. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Mr. Pearson:

S. 341. To propose an amendment to Article XIV, Section 264 of the Constitution of Alabama of 1901, to increase the number of trustees of the University of Alabama and to provide for their election.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate was read one time and referred to appropriate Standing Committee as follows:

S. 341. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Harrison:

S. J. R. 164. MOURNING THE DEATH OF MR. JESSE EDWIN MORRIS OF WETUMPKA, PROMINENT ELMORE COUNTIAN.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 164, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Barron:

S. J. R. 136. CONGRATULATING MR. AND MRS. HENRY VIRGIL DENNIS ON THEIR FORTIETH WEDDING ANNIVERSARY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 136, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Goodwin:

S. J. R. 151. COMMENDING STATE ORATORICAL CHAMPION, THOMAS BUNDENTHAL OF SELMA, ALABAMA.

Also:

By Messrs. Kirkland, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Holmes, Keener, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 152. COMMENDING HAL BLOOM, JR., EXECUTIVE ASSISTANT TO SPEAKER JOE C. McCORQUODALE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolutions, S. J. R. 151 and S. J. R. 152, the titles of which are set out in the above and foregoing Message from the Senate, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Martin, Barron, Harrison, Bailey, Britnell, Callahan, Clemon, Cook deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Teague, Vacca, Weeks and White:

S. J. R. 150. MOURNING THE DEATH OF MRS. ANNIE DELAY TAYLOR.

WHEREAS, the Legislature of Alabama has grievously noted the death of Mrs. Annie DeLay Taylor at her home in Moultrie, Georgia, April 12, 1980, at the age of 86; and

WHEREAS, a native of Georgia, Mrs. Annie Taylor was the widow of the late Stoy Thurston Taylor and was the mother of Senator Cordy Taylor, Mrs. Elizabeth Mathews, Miss Juanita Taylor, Stoy T., Jr., Asberry Taylor and Wiley Taylor; and

WHEREAS, Mrs. Taylor was a member of the Tyson Memorial Methodist Church of Moultrie and she served both her community and her Lord through her membership in this church; and

WHEREAS, she greatly and favorably influenced the lives of all those whom she knew and loved, especially her children, who commendably reflect her teachings of priorities, the wisdom of her guidance, her ideals and her faith.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, that we are deeply saddened by the death of Mrs. Annie DeLay Taylor and extend our most heartfelt sympathy to all members of her family.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to her son, Senator Cordy Taylor and other family members that they may know of our concern for them and may know, too, that we share the sorrow of their loss.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 150, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Weeks:

S. J. R. 155. NOTING THE OCCASION OF MR. C. S. GIBSON'S 90TH BIRTHDAY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 155, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Gulledge, Robertson, Vacca, Goodwin, Miller, Figures, Hall, Weeks, Higginbotham, White, Mitchem, Bailey, McDonald, deGraffenried, Barron, Harrison, Holmes, Keener, Teague, Martin, Parsons, Taylor, Little, Britnell, Lemaster, Denton, St. John, Glass, Callahan, Clemon, Smith and Proctor:

S. J. R. 158. REQUESTING PRESIDENT CARTER AND THE CONGRESS TO ALLOCATE TO EACH OF THE STATE HIGHWAY DEPARTMENTS, AND TO OUR STATES' COUNTIES, FOR MAINTENANCE OF STATE AND LOCAL ROADS, ANY INCREASE OF THE FEDERAL MOTOR FUELS TAX.

WHEREAS, the Office of the President of the United States has been provided with data to show that an increase in the motor fuels tax would aid in energy conservation; and

WHEREAS, an increase in such tax, as deemed necessary and implemented, is for conservation purposes rather than generation of revenues; and

WHEREAS, state highway departments, and those of our states' counties, are unable to maintain their roads in sufficiently good condition to insure the safe and expedient movement of goods and people; and

WHEREAS, neither the United States Congress nor the Federal Highway Administration has implemented an adequate program to aid the states and local governments with road maintenance problems; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully urge that the President of the United States and the Congress designate that the increase in the federal motor fuels tax be allocated to each of the state highway departments, and/or our states' counties, on a formula basis to aid with the maintenance of state and local roads.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to President Carter, to the director of the Federal Highway Administration, the Secretary of the Department of Transportation and to each member of the Alabama Congressional Delegation in Washington, D. C.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 158, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Holmes and Robertson:

S. J. R. 157. TO URGE ALL PUBLIC INSTITUTIONS OF HIGHER EDUCATION WHICH ARE SUPPORTED BY STATE FUNDS TO CEASE ENROLLING OR REGISTERING ANY IRANIAN STUDENTS AND TO URGE THE COOPERATION OF THE BOARDS OF TRUSTEES AND THE STATE DEPARTMENT OF EDUCATION.

WHEREAS, fifty Americans have been held hostage by a group of militants and in concert with the Iranian government for over five and one-half months, with untold mental and psychological stress and anguish to the captives, their families and friends; and

WHEREAS, all Alabamians and Americans everywhere are outraged, frustrated and appalled at the flagrant disregard for international law and the minimum requirements of humanitarian treatment by the Iranian government; and

WHEREAS, such blatant violations by the Iranian government have jeopardized the peace and security of this country and its citizens, and many other countries; and

WHEREAS, Alabama has many military installations and bases and the presence of foreign agents could result in grave consequences; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all state supported institutions of higher education, including state colleges and universities, trade schools, vocational and trade schools are urged to cease and desist from enrolling and registering any person who is Iranian or who holds a passport from Iran. All boards of trustees, chancellors, presidents, or other governing bodies of such institutions, and the department of education are urged to take all necessary actions forthwith to support the legislative intent herein.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to send copies of this resolution to the chief officer of each state supported institution of higher education and the state department of education.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 157, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:45 P.M. on April 17, 1980.

H. 655

H. 744

H. 749

H. 789

H. 790

H. 791

H. 796

H. 826

H. 837

H. 840

H. 841

REGULAR SESSION
23rd Day

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H. 847
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H. J. R. 199
H. J. R. 202
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H. J. R. 215
H. 664
H. 663

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Manley and pursuant to the resolution, H. R. 200, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, April 22, 1980.

TWENTY-FOURTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, April 22, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Vernon Yearby, Pastor, Santuck Baptist Church, Santuck, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall,

Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-third legislative day and finds the same to be correct.

LEIGH PEGUES,
Acting Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the twenty-third legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-third legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Stewart, leave of absence was granted for Rep. Parker, due to illness.

RECONSIDERATION REQUEST TO SENATE FOR RETURN OF RESOLUTION

Having inadvertently passed the resolution, H. J. R. 221, for Senate consideration, the House directed the Clerk of the House to request the return of the resolution from the Senate, for further consideration by the House.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 220. COMMENDING MR. GEORGE D. JUZANG, MANAGER OF THE MOBILE MUNICIPAL AUDITORIUM COMPLEX.

Also:

H. J. R. 222. COMMENDING JOSEPH T. CALLAWAY AND MARY LIB CALLAWAY FOR DONATING A FORTY FOOT YACHT TRAWLER TO THE MARINE ENVIRONMENTAL SCIENCES CONSORTIUM.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House, and is herewith returning to the House for further consideration the Resolution:

H. J. R. 221. REJECTING THE RECOMMENDATIONS OF THE JUDICIAL COMPENSATION COMMISSION.

McDOWELL LEE,
Secretary,

The resolution, H. J. R. 221, was taken up, and read and referred to the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 224. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, April 22, 1980, we adjourn to meet again on Wednesday, April 23, 1980, at 10:00 A.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 224, was adopted.

Also:

By Rep. Manley:

H. J. R. 225. EXTENDING THE JOINT INTERIM COMMITTEE TO STUDY SALARIES AND RELATED MATTERS CREATED BY ACT NO. 79-76, H. J. R. 61, OF THE 1979 REGULAR SESSION.

WHEREAS, there is further need to study salaries, fringe benefits, social security benefits, retirement benefits, insurance, supernumerary status and related matters of employees of both public and private enterprise; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the committee to study salaries and related matters created by Act No. 79-76, H. J. R. 61 of the 1979 Regular Session is hereby extended for a period of one year.

Said committee shall continue to have the same powers, duties, functions rights and privileges, and shall report their findings and recommendations to the legislature by the fifth legislative day of the 1981 Regular Session.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 225, was adopted.

Also:

By Rep. McCorquodale:

H. R. 226. MEMORIALIZING THE UNITED STATES GOVERNMENT TO CONTINUE TO VALUE THE FRIENDSHIP OF AND GIVE ITS FULL SUPPORT TO THE PEOPLE AND THE GOVERNMENT IN TAIWAN.

WHEREAS, the United States of America no longer officially recognizes the Republic of China but now recognizes the People's Republic of China; and

WHEREAS, the United States of America, by virtue of the Taiwan Relations Act of 1979, maintains trade, cultural, economic and other relations with the people and the government in Taiwan; and

WHEREAS, the people in Taiwan have been among the most trusted friends and allies of the people of the United States; and

WHEREAS, Taiwan is of great strategic importance in the defense of East Asia and the Pacific and has always utilized its military power in the interests of the free world; and

WHEREAS, after the severance of diplomatic relations between the United States and the Republic of China, the people and the government in Taiwan need more support from the United States not only to help the people and the government in Taiwan, but also to serve in the interests of the United States; and

WHEREAS, Atlanta has been chosen as the site for the office covering the Southeastern United States of the Coordination Council for North American Affairs which is the Council representing the interests of the people of Taiwan after the severance of diplomatic relations; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we strongly urge that the United States protect the security and welfare of Taiwan and continue the sale of more sophisticated weapons and materiel to Taiwan for the purpose of its self-defense.

BE IT FURTHER RESOLVED, That the Congress of the United States is hereby urged to pass laws authorizing the Government of the United States to continue to fulfill its obligations imposed by the 59 treaties and or agreements between the United States and the Republic of China in force at the end of 1978 and declared to remain in force after January 1, 1979.

RESOLVED FURTHER, That the Government of the United States is hereby urged to promote the relations and contacts between the people of the United States and the people in Taiwan.

BE IT FURTHER RESOLVED, That the Clerk of the House is hereby authorized and directed to transmit an appropriate copy of this Resolution to the President and the Secretary of State of the United States of America, to all members of the Alabama Congressional Delegation in Washington, D. C., and to the representatives of the government of Taiwan.

On motion of Rep. McCorquodale, the rules were suspended and the resolution, H. R. 226, was adopted.

Also:

By Rules Committee:

H. R. 227. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business April 22, 1980, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Rep. Lewis:

H. 384. p. 1 Issuance of motor vehicle license plates

By Rep. Owens:

H. 430. p. 118 Local A.B.C. Tax

By Rep. Holmes:

H. 85. p. 101 2¢ Beer Tax

By Rep. Sasser:

H. 440. p. 150 Include licenses A.B.C.

By Rep. Sasser:

H. 293. p. 116 Sales

By Rep. Adams (H):

H. 697. p. 151 Coal severance refund

By Rep. Johnson (R. G.):

H. 492. p. 120 Fee for driver's license test

By Rep. Naramore:

H. 904. p. 159 Increase fee for D.L.

By Rep. Naramore:

H. 905. p. 159 Increase M.V.R. fee

By Rep. Owens:

H. 431. p. 117 Equalize utilities at 2.2%

By Rep. Bedsole:

H. 488. p. 19 Medicaid fraud

By Rep. Grouby:

H. 164. p. 56 Re-open Employees Retirement System of Alabama

By Rep. Biddle:

H. 453. p. 85 Compensation for certain sheriffs

By Rep. Kelley:

H. 558. p. 47 Alabama Housing Finance Authority

By Rep. Sasser:

H. 201. p. 9 Jury strike system

By Rep. Sasser:

H. 202. p. 9 Jury strike system

By Rep. Payne:

H. 261. p. 25 Examiners of Public Accounts

By Rep. McMillan:

H. 916. p. 107 Captive counties

By Rep. Riddick:

H. 473. p. 156 Salaries, clerks and registers Circuit Court

By Rep. Bowling:

H. 466. p. 35 Certain public assistance recipients

By Rep. Adams (C):

H. 459. p. 22 Regulation of extensions of credit

By Mr. McDonald:

S. 385. p. 135 Medical clinic boards

By Rep. Carothers:

H. 586. p. 50 Auctioneers, licensing

By Rep. Adams (C):

H. 701. p. 59 Federal Aid Highway Finance Authority

By Rep. Adams (C):

H. 702. p. 60 Equipment Replacement Surplus Reserve Account

By Rep. Waggoner:

H. 891. p. 131 Motor vehicles hauling passengers

On motion of Rep. Pegues, the resolution, H. R. 227, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Pegues, Acting Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

H. J. R. 218. CONDEMNING A PRACTICE OF DEPARTMENT AND/OR AGENCY HEADS, REQUIRING SUBORDINATES' ATTENDANCE AT SOCIAL FUNCTIONS.

On motion of Rep. Pegues, the resolution, H. J. R. 218, was adopted.

Also:

H. J. R. 219. EXPRESSING APPRECIATION TO THE ROTUNDA TELEPHONE OPERATORS FOR THEIR COURTEOUS ASSISTANCE TO MEMBERS OF THE LEGISLATURE.

On motion of Rep. Pegues, the resolution, H. J. R. 219, was adopted.

Also:

S. J. R. 140. REQUESTING THAT THE COMMISSIONER OF AGRICULTURE AND INDUSTRIES WITH THE APPROVAL OF THE STATE BOARD OF AGRICULTURE AND INDUSTRIES PROMULGATE RULES AND REGULATIONS REQUIRING RETAIL SELLERS OF GASOLINE THAT DISPENSE SUCH FUELS BY LITER, TO ALSO POST ON THEIR PUMPS THE PRICE OF SAID FUEL BY THE GALLON.

On motion of Rep. Pegues, the resolution, S. J. R. 140, was adopted.

S. J. R. 136. CONGRATULATING MR. AND MRS. HENRY VIRGIL DENNIS ON THEIR FORTIETH WEDDING ANNIVERSARY.

On motion of Rep. Pegues, the resolution, S. J. R. 136, was adopted.

Also:

S. J. R. 150. MOURNING THE DEATH OF MRS. ANNIE DELAY TAYLOR.

On motion of Rep. Pegues, the resolution, S. J. R. 150, was adopted.

Also:

S. J. R. 151. COMMENDING STATE ORATORICAL CHAMPION, THOMAS BUNDENTHAL OF SELMA, ALABAMA.

On motion of Rep. Pegues, the resolution, S. J. R. 151, was adopted.

Also:

S. J. R. 152. COMMENDING HAL BLOOM, JR., EXECUTIVE ASSISTANT TO SPEAKER JOE C. McCORQUODALE.

On motion of Rep. Pegues, the resolution, S. J. R. 152, was adopted.

Also:

S. J. R. 155. NOTING THE OCCASION OF MR. C. S. GIBSON'S 90TH BIRTHDAY.

On motion of Rep. Pegues, the resolution, S. J. R. 155, was adopted.

Also:

S. J. R. 164. MOURNING THE DEATH OF MR. JESSE EDWIN MORRIS OF WETUMPKA, PROMINENT ELMORE COUNTIAN.

On motion of Rep. Pegues, the resolution, S. J. R. 164, was adopted.

BILLS ON SECOND READING

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1006. To provide for the levy and collection of a sales tax upon the sale of soft drinks and soft drink syrups offered for sale in bottles, cans, or containers; to provide for the regulation and collection of said tax by the Department of Revenue; and to provide for the distribution of proceeds from said tax.

H. 811. To facilitate vehicular traffic in the state by providing for the construction, operation and maintenance of toll road, bridge and tunnel projects, creating the Alabama Toll Road, Bridge and Tunnel Authority and defining its powers and duties; authorizing the issuance of revenue bonds payable from tolls and other revenues to pay the cost of such projects; providing that no debt of the state shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls and other revenues for the payment of such bonds and for the cost of maintenance, operation and repair of such projects; making such bonds exempt from taxation and constituting them legal investments in certain instances; prescribing conditions upon which such projects shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the state to cooperate with the Authority; authorizing the issuance of revenue refunding bonds; making an appropriation to pay initial expenses and providing for the repayment thereof; and prescribing penalties.

S. 77. To make an additional appropriation to the Alabama liquefied petroleum gas board from the Alabama liquefied petroleum gas board fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

H. 1013. To repeal Chapter 31 of Title 34 of the Code of Alabama 1975 (Sections 34-31-1 through 34-31-17, Code of Alabama 1975) which chapter establishes the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors and provides for the regulation of the practice of design, construction or installation of heating and air conditioning equipment and roofing and sheet metal.

S. 152. To provide for the transfer of contributions and creditable service from the Employees' Retirement System of Alabama and/or the Teachers' Retirement System of Alabama to the Judicial Retirement Fund of Alabama; to provide that, if transferred creditable service is used to qualify for retirement under the Judicial Retirement Fund, then the benefits provided thereunder shall be reduced and adjusted and to provide that the provisions of this act shall be cumulative and supplemental.

S. 383. To permit the possession of certain quantities of state untaxed alcoholic beverages purchased on federal military installations by eligible active duty, reserve, and retired military members and their dependents for private use; to prohibit the keeping, storing or possession of such alcoholic beverages in the passenger area of any vehicle, or in the view of any passenger; to make it unlawful to sell or offer for sale such state untaxed alcoholic beverages to anyone not authorized to purchase such beverages himself or to possess in excess of the quantity permitted; and to make the violation of such restrictions on sale and possession of excess quantities a misdemeanor and to set the penalties therefor.

S. 24. To amend Section 41-9-140, Code of Alabama 1975, which relates to the building commission so as to provide further for the term of the legislative members and for meetings of the commission.

S. 23. To provide for a state office of space management under the authority and control of the state building commission; to prescribe the functions of such office and to provide for the appointment and salary of a director for such office.

H. 726. To amend Code of Alabama, 1975, Section 36-27-11, which relates to the Employees' Retirement System; amending said section in relation to the eligibility for purchasing credit for previously withdrawn service; to provide a period of one year after October 1, 1980, for retired members to purchase credit for service previously withdrawn or terminated due to five years absence from service.

S. 405. To authorize county and municipal governments in Alabama to appropriate funds to Community Action Agencies.

H. 1004. To amend Section 34-8-22 of the Code of Alabama 1975 relating to the state licensing board for general contractors so as to further provide for the per diem of the members of the board.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 203. To amend Section 9-18-1, Code of Alabama 1975, which provides for the Southern Interstate Nuclear Compact and repeals Sections 9-18-2 through 9-18-6, Code of Alabama 1975, which further provides for said Compact, so as to change the name of the Southern Interstate Nuclear Compact and the Southern Interstate Nuclear Board to the Southern States Energy Compact and the Southern States Energy Board, respectively; to expand the membership of the Board from one member per state to three members per state; to provide that one member shall be appointed by the Governor, and one each by the Presiding Officers of the House of Representatives and the Senate; to expand the member states to allow for membership by Missouri, the Commonwealth of Puerto Rico, and the U. S. Virgin Islands; to change the purview and activities of the Board from nuclear power to all energy sources and environmental quality; and to provide for expenses for Board members when attending upon official Board business.

S. 294. To amend Article VI and Article XII of Section 41-18-1 of the Code of Alabama 1975 relating to the Southern Growth Policies Agreement, so as to add the Commonwealth of Puerto Rico and the territory of the Virgin Islands of the United States to the jurisdictions that are eligible parties to the agreement, and to increase the number of executive committee members.

S. 380. To amend Section 41-3-6 of the Code of Alabama 1975, relating to fines for exploring or excavating aboriginal mounds, earthworks or other antiquities contrary to law so as to provide further for such fines.

S. 304. To amend Section 36-26-24, Code of Alabama 1975, which relates to the transfer of classified employees, so as to further provide for the transfer of said employees.

S. 54. To amend Section 36-27-23, Code of Alabama 1975, which provides for the general administration and responsibility for the proper operation of the state employees' retirement system, so as to provide further for said general administration and responsibility for proper operation.

H. 909. To repeal Section 40-20-2 and Section 40-20-8, Code of Alabama 1975, as amended by Act 434, Acts of Alabama 1979, and to reenact Section 40-20-2 and Section 40-20-8 as the same existed prior to enactment of Act 434, Acts of Alabama 1979, and to further provide for the rate of severance tax on the production of oil and gas on wells from 15,000 to 15,800 feet in the smackover formation that come into production after September 1, 1979, to provide further for distribution of the proceeds of the increased tax and to provide certain exemptions from the increased rate.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 881. (With Substitute): To provide for the licensure and regulation of any person, partnership, association or corporation engaged in servicing, recharging, repairing, testing, inspecting or installing fire extinguishers and fire systems; to prescribe further duties and powers of the State Fire Marshal; to provide for the inspection of portable fire extinguishers at regular intervals; to authorize the State Fire Marshal to promulgate rules and regulations for the administration of this act; to provide that moneys collected pursuant to this act shall be deposited in the general fund of the state with a sufficient amount of such moneys being used in the administration of the act; and to prescribe penalties for violation of the act.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 188. (With Substitute): To amend Section 8-8-5, Code of Alabama 1975, which relates to certain loans to which the usury laws do not apply, so as to alter the minimum principal balance of such loans.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 38. To authorize the examination of any small loan company, finance company, and other individual or person holding any license from the State Banking Department; and to authorize the Superintendent of Banks to prescribe examination fees and per diem allowance of examiners to be paid by licensees to cover expense of examinations.

H. 1007. To amend Section 5-2-6 of the Code of Alabama, 1975, in order to reduce from five to two the number of years of experience in the banking field the superintendent of banks must have prior to his appointment.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 257. To amend Section 40-12-10, Code of Alabama 1975, to provide for the appointment of the License Inspector in each county by the County Commission, to provide for the duties of the License Inspector, to provide for collection of penalties and citation fees on delinquent licenses and distribution of such penalties and citation fees to the County General Fund, to provide for the appointment of Deputies to the License Inspector and to provide for the salary of the License Inspector and his Deputies and expenses of his office to be paid by the County Commission.

S. 327. To amend the Title and Section 1 of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama approved August 8, 1979, entitled "An Act relative to Class 4 and 5, and 7 and 8 municipalities in this state having a population of not less than 25,000 and not more than

99,999 inhabitants of a population of 11,999 or less inhabitants according to the last or any subsequent Federal decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof", so as to make said Act applicable to Class 6 municipalities in the state.

S. 466. To amend Section 22-28-23, Code of Alabama 1975, (Alabama Air Pollution Control Act) in order to remove the authority of municipal governing bodies to exercise air pollution control jurisdiction over agricultural and farming operations conducted within the corporate limits or police jurisdiction of such municipality.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 783. (With Amendment): To amend Section 22-51-8 of the Code of Alabama 1975, relating to the board of directors of public corporations to plan and operate regional mental health programs and facilities, so as to provide that where the formation of the board was authorized by only two governing bodies, each of the said governing bodies shall be entitled to appoint at least five members of the said board, or such other number as may be provided by the certificate of incorporation or any amendment thereto.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 925. Authorizing any Class 5 municipality as defined in Section 11-40-12, Code of Alabama 1975, to incorporate a Port Authority for the purpose of building or leasing waterfront facilities; provides the conditions under which the authority shall be created; provides for the election of the

officers; provides for the duties and powers of said authority; provides for the issuance of tax exempt securities to finance said authority; provides for the distribution of the proceeds from the issuance of the securities; authorizes refunding of the securities; provides for remedies in the event of a default; and authorizes the authority to enter into contracts.

H. 945. To amend Section 11-48-48, Code of Alabama 1975, which provides for the payment of municipal assessments, so as to increase the interest rate on the payment of the assessments.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 493. Relating to Wilcox County; to provide certain expense allowances for the Tax Assessor and Tax Collector of said county and to repeal all conflicting statutes.

S. 541. To provide for distribution of the share of in-lieu-of-taxes payments of T.V.A. for Marshall County and the appropriate municipalities therein.

S. 543. Relating to Lowndes County; providing for clerical assistance for the tax assessor and tax collector of such county until September 1, 1980; and giving this act retroactive effect.

H. 922. Relating to Houston County; to provide an expense allowance for the judge of probate and the revenue commissioner of said county.

H. 932. Proposing an amendment to the Constitution of Alabama to provide for fire protection in Lee County; to authorize the establishment of firefighting districts for fire protection services.

The above bill was read a second time at length as required by the Constitution.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 933. (With Amendment:) To authorize the Russell County Commission to levy a privilege or license tax on persons, corporations, co-partnership companies, agencies and associations selling, distributing, or delivering any malt or brewed beverages to retailers in Russell County, to authorize the county commission to collect the tax and to effect distribution thereof to Russell County to be used for the county school system; to authorize the county commission to make rules and regulations to govern enforcement and collection of the tax; and to provide for the use of the proceeds derived from the tax.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 960. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Cowarts, in Houston County.

H. 1010. Relating to Cullman County, to provide for expense allowance for the Board of Registrars, Jury Commission, and Board of Equalization.

H. 1011. To amend Act No. 895, S. 775, Regular Session 1978 (Acts of Alabama 1978, p. 1332), providing for the salaries of certain county officers of Cullman County, so as to further provide that such salaries shall be in lieu of all other compensation, expense allowances, fees, commissions, percentages or other emolument of any nature whatsoever. Provided, however, said officers shall continue to receive additional compensation granted by certain portions of Acts of previous legislative sessions.

H. 1014. Relating to selling and redeeming lands for taxes in Walker County, Alabama.

H. 1015. Relating to Walker County: To amend Sections 3, 4, 9 and 10 and repeal Sections 8, 11 and 12 of Act 356, S. 502, 1971 Regular Session approved August 19, 1971 (Acts 1971, p. 652) as amended, which provides for the construction, maintenance and repair of public roads and bridges in Walker County, so as to earmark ninety five percent of all revenue received by the Walker County Commission from the coal severance tax provided for in Act No. 598 H. 643, 1977 Regular Session (Acts 1977 p. 799) for use and the maintenance in construction of roads in Walker County effective October 1, 1978; so as to provide funds in the County road and bridge fund equally among the commission districts of the county; and, so as to make certain powers vested in the county engineer, subject to the approval of a majority of the members of the County Commission.

H. 1016. To amend Act No. 79-680, H. 1001, 1979 Regular Session (Acts 1979, p. 1211) to provide that supplemental salary for circuit judges paid by the County comprising the Fourteenth Judicial Circuit, shall not be considered in determining relationship between Circuit Clerk and District Judges and Circuit Judges of the Fourteenth Judicial Circuit.

H. 1017. (Acts of 1973, p. 1098) as amended, "To revise and reenact Act No. 1504, S. 1103, Regular Session 1971, (Acts 1971, page 2589, Vol IV), entitled 'Relating to counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the fee for issuance of a pistol permit by the sheriff, and providing for the disposition and use of such fees'; so as to transfer \$150 per month from the law enforcement fund to the district attorney's funds in such counties.

H. 1018. To levy a finance charge or a tax of five cents per acre to be assessed against lands located in Walker County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Walker County; and prescribing the procedure for the collection of such assessments.

H. 1019. To authorize the Wilcox County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost therefor, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

H. 1026. To allow prospective jurors in capital cases to be excused without the presence of the defendant in the Twenty-first Judicial Circuit of Alabama.

H. 1027. Relating to Escambia County; to further provide for the compensation of the board of registrars.

H. 1028. To amend Section 1 of Act No. 594, H. 991, Regular Session 1965 (Acts of Alabama 1965, p. 1115), so as to further provide for the compensation of the Escambia County board of equalization.

H. 1029. Relating to Escambia County; providing further for the compensation of the chairman and members of the county commission.

H. 1030. Relating to Escambia County; to provide for an expense allowance for the sheriff of the county.

H. 1031. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Escambia County.

The above bill was read a second time at length as required by the Constitution.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 531. (With Amendments): Relating to Class I Municipalities, to authorize the Mayor of any Class I City of this state to employ for and in behalf of said city a Chief Administrative Assistant to the Mayor, to provide that the salary of the Chief Administrative Assistant shall be determined by the Mayor, and to provide that such employee shall not be subject to any merit system.

LEAVES OF ABSENCE

At the request of Rep. Waggoner, leave of absence was granted for Rep. Seibels.

At the request of Rep. Harper (T), leave of absence was granted for Rep. Sandusky.

BILLS RE-REFERRED

No objection being offered, the Speaker re-referred the bill, S. 237, from the Standing Committee on State Administration to the Standing Committee on Ways and Means.

No objection being offered, the Speaker re-referred the bill, S. 339, from the Standing Committee on Local Government to the Standing Committee on Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 241. To provide that any law to the contrary notwithstanding, any individual may charge the same rate of interest allowed, under the circumstances and conditions, to any bank, savings and loan, credit union in this state.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Clark (G), the House concurred in and adopted the Senate amendment to the bill, H. 241, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To permit individuals, partnerships, banks, corporations and other legal entities to charge the same rate of interest or finance charge to the same extent and under the same circumstances and conditions as any federal or state chartered or licensed lending institution having its principal place of business in Alabama, subject to the same penalties as such lending institutions for excessive interest or finance charges; to provide that this Act clarifies existing law and is therefore retroactive, provided, however, that there shall be no change of interest rates on secured loans in existence as of the date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Individuals, partnerships, banks, corporations and other legal entities may on any loans or extensions of credit made by them charge or impose the same rate of interest or finance charge to the same extent and under the same circumstances and conditions as any federal or state chartered or licensed lending institution having its principal place of business in Alabama; provided however, that any individual or partnership charging or imposing interest or finance charges in excess of that permitted such lending institutions under other applicable law shall be subject to the same penalties prescribed in such other applicable law or laws for such excessive interest or finance charges.

Section 2. The purpose of this Act is to make clear existing law embodied in Act No. 79-103 of the 1979 Regular Session of the Alabama Legislature, and the provisions hereof shall have retroactive effect to May 14, 1979, when it became law, provided, however, that there shall be no change of interest rates on secured loans in existence as of the date of this Act. Any actions taken or contracts made in accordance with the provisions of this Act since said date are hereby ratified, validated and confirmed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Campbell, Carter, Cheatwood, Clark (G), Cooley, Crow, Daniels, Drinkard, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harvey, Holmes, Horn, Kelley, Langford, Letson, Manley, Moore, Nevett, Owens, Payne, Penry, Ray, Roberts, Sasser, Shavers, Starkey, Stewart, Trammell, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 241. To permit individuals, partnerships, banks, corporations and other legal entities to charge the same rate of interest or finance charge to the same extent and under the same circumstances and conditions as any federal or state chartered or licensed lending institution having its principal place of business in Alabama, subject to the same penalties as such lending institutions for excessive interest or finance charges; to provide that this Act clarifies existing law and is therefore retroactive, provided, however, that there shall be no change of interest rates on secured loans in existence as of the date of this Act.

As thus amended, was again read at length and passed.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Hall, Harper (O), Harvey, Horn, Langford, Letson, McKee, Manley, Moore, Nevett, Olive, Owens, Penry, Ray, Roberts, Sasser, Starkey, Stewart, Trammell, Venable, Waggoner, Warren, Whatley, Williams, Willis and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 751. To amend Section 10 of Act No. 787, H. 1057, of the 1979 Regular Session, which relates to an increase in sales tax for Cherokee County so as to provide that one-half of the tax proceeds shall go to the county and one-half to the County Board of Education; and to make this act retroactive.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Adams (H), the House concurred in and adopted the Senate amendment to the bill, H. 751, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 2 and Section 10 of Act No. 79-787, H. 1057, of the 1979 Regular Session, which relate to an increase in sales tax for Cherokee County, so as to provide that one-half of the tax proceeds shall go to the county and one-half to the county board of education; to provide that the tax on retail sales of automotive vehicles, trucks, trailers, semi-trailers or house trailers, and on machinery or equipment used for agricultural purposes shall be one-fourth of one percent; and to make this Act retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 and Section 10 of Act No. 79-787, H. 1057, of the Regular Session 1979, are hereby amended to read as follows:

"Section 2. Authorization of Levy of Sales Tax. The governing body of the county is hereby authorized to levy and impose in the county, in addition to all other taxes of every kind now imposed by law, and to collect as herein provided, a privilege or license tax on account of the business activities and in the amount to be determined by the application of rates against gross sales or gross receipts, as the case may be, as follows:

"(a) Upon every person, firm or corporation (including the State of Alabama, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions) engaged or continuing within the county in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stock, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, ships and other watercraft of over 50 tons burden) an amount not exceeding one percent of the gross proceeds of sales of the business, except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business; and provided further, that where any used part of an automotive vehicle or a truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part, the tax authorized to be levied herein shall be paid on the net difference, that is, the price of the new or used part sold less the credit for the used part taken in trade, provided, however, that this provision shall not be construed to include tires or batteries;

"(b) upon every person, firm or corporation engaged or continuing within the county in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any

educational institution within this state, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a municipal institution or association or a state, county or city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the county, an amount not exceeding one percent of the gross receipts of any such business;

"(c) upon every person, firm or corporation engaged or continuing within the county in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount not exceeding one-half of one percent of the gross proceeds of the sale of such machines; provided that the term "machine" as herein used shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used;

"(d) upon every person, firm or corporation engaged or continuing within the county in the business of selling at retail any automotive vehicle, truck, trailer, semi-trailer or house trailer, an amount not exceeding one-fourth of one percent of the gross proceeds of sale of said automotive vehicle, truck, trailer, semi-trailer or house trailer; provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck, trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax authorized to be levied herein, a fee of one dollar and twenty-five cents (\$1.25) per year or part thereof during which such automotive vehicle, truck, trailer, semi-trailer or house trailer shall remain the property of such person; provided, that each such year or part thereof shall be deemed to begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck, trailer, semi-trailer or house trailer shall remain the property of such person; and provided further, that where any used automotive vehicle, truck, trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax authorized to be levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

"(e) Upon every person, firm or corporation engaged or continuing within the county in the business of selling at retail any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or produce, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to one-fourth percent (1/4%) of the gross proceeds of the sale thereof. Provided, however, the one-fourth percent (1/4%) rate herein prescribed with respect to

parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

"Where any used machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade; and

"(f) upon every person, firm or corporation engaged or continuing within the county in the business of selling, through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, an amount not exceeding one-half of one percent of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection (f) shall be the gross proceeds of sales of such business.

"There are exempted, however, from the provisions of this section and from the computation of the amount of the taxes authorized to be imposed in this section, the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the State Sales Tax Statutes from the computation of the amount of the State Sales Tax."

"Section 10. Use of Tax Proceeds. The proceeds of any taxes herein authorized to be levied shall be paid over by the county within ten (10) days after their receipt as follows:

"(a) Fifty percent (50%) of said proceeds shall be paid over to the County Board of Education.

"(b) The remaining fifty percent (50%) of said proceeds shall be paid over to the general fund of the county and used and applied for general purposes."

Section 2. The operation of this act shall be retroactive to July 18, 1979, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Bennett, Biddle, Bowling, Carothers, Carter, Cates, Cheatwood, Cooley, Crow, Daniels, Drinkard, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Horn, Kelley, Langford, Letson, McKee, Manley, Moore, Naramore, Nevett, Owens, Patton, Penry, Ray, Sasser, Starkey, Stewart, Trammell, Venable, Whatley, Williams, Willis, Wyatt and Zoghby.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 751. To amend Section 2 and Section 10 of Act No. 79-787, H. 1057, of the 1979 Regular Session, which relate to an increase in sales tax for Cherokee County, so as to provide that one-half of the tax proceeds shall go to the county and one-half to the county board of education; to provide that the tax on retail sales of automotive vehicles, trucks, trailers, semi-trailers or house trailers, and on machinery or equipment used for agricultural purposes shall be one-fourth of one percent; and to make this Act retroactive.

As thus amended, was again read at length and passed.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Bennett, Biddle, Blake, Bowling, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Crow, Daniels, Drinkard, Ford, Gilmer, Goodwin, Greer, Grimsley, Hall, Harper (O), Harvey, Horn, Kelley, Langford, Letson, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Payne, Penry, Ray, Roberts, Smith (C), Starkey, Stewart, Trammell, Venable, Whatley, Williams, Willis, Wyatt and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 117. Relating to Madison County; relating to Section 2 of Act No. 79-794, S. 564 of the 1979 Regular Session (Acts 1979, p. 1451) which provides alternative methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes, so as to repeal said section 2.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Barton, the House concurred in and adopted the Senate amendment to the bill, H. 117, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Madison County; to provide alternative methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the authority granted by Sections 40-28-1 through 40-28-3, Code of Alabama 1975, Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes shall be distributed as provided by this act.

A. Pursuant to the authority granted by Section 40-28-2, Code of Alabama 1975, Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes shall be distributed in the following manner:

The first \$40,000 paid, as Madison County's total share, shall be for the purposes of establishing and maintaining a legislative delegation office. All decisions concerning the Madison County Legislative Office, including but not limited to, revenue, income, or expenditures such as for employment, contracts, leases or purchases shall be made by resolutions of the delegation adopted by a concurrent majority of the Madison County delegation, Senators and House of Representative members, each House voting separately. Such resolution may provide an operation procedure for the delegation office. The Madison County Commission shall immediately pay such amounts from such funds as the Madison County legislative delegation may request. Such requests shall be in the form of a resolution passed by the county legislative delegation, signed by one Senator and one member of the House of Representatives from the county who shall be duly appointed by the legislative delegation. The legislative delegation shall expend such monies to employ staff, acquire adequate physical office space, equipment, supplies, services and all other necessary items. The persons employed and expenditures of the funds by the legislative delegation shall be in their discretion. Any funds allocated but not expended at the end of the fiscal year, in accordance with this subsection, shall revert to the general fund of the county treasury. The revenue and expenditures of the legislative office shall be audited on an annual basis.

B. The remaining money, disbursed pursuant to the authority granted by Section 40-28-2, Code of Alabama 1975, shall be prorated in the following manner:

1. Seventy percent (70%) of said remaining money shall be, paid to the City of Huntsville. Said payment shall be distributed in the following manner:

(a) Sixty-five percent (65%) to the city school system to be paid by the city governing body directly to the school system.

(b) Twenty-five percent (25%) to the city general fund.

(c) Ten percent (10%) to the City of Huntsville Hospital Authority, provided, however, that if the revenue produced by this percentage formula should exceed \$525,000 in any fiscal year, said excess revenue shall revert to

the general fund of the City of Huntsville. The provisions of this subsection shall expire on September 30, 2003, and thereafter said revenue shall revert to the general fund of the City of Huntsville.

2. Twenty-nine and one-half percent (29 1/2%) of said remaining money shall be paid to Madison County. Said payment shall be distributed in the following manner:

(a) Sixty-five percent (65%) to the county school system to be paid by the county governing body directly to the school system.

(b) Twenty-eight percent (28%) to the county general fund.

(c) Seven percent (7%) to the City of Huntsville Hospital Authority, provided however, that if the revenue produced by this percentage formula shall exceed \$150,000 in any fiscal year, said excess revenue will revert to the general fund of Madison County.

3. One-half percent (1/2%) of said remaining money shall be paid to the remaining incorporated municipalities within Madison County on a per capita basis. Said payments shall be distributed in the following manner:

(a) Sixty-five percent (65%) to the county school system to be paid by the municipal governing body directly to the school system.

(b) Thirty-five percent (35%) to the municipal general fund.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Carter, Cates, Cheatwood, Clark (G), Cooley, Crow, Daniels, Dial, Gilmer, Greer, Grimsley, Hall, Harper (O), Langford, Letson, McKee, Manley, Minus, Moore, Naramore, Nevett, Payne, Ray, Riddick, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Whatley, Williams, Willis, Wyatt and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 117. Relating to Madison County; to provide alternative methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

As thus amended, was again read at length and passed.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Carter, Cates, Cheatwood, Colley, Crow, Daniels, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Harper (O), Horn, Kelley, Langford, McKee, Minus, Moore, Naramore, Nevett, Olive, Payne, Penry, Rains, Ray, Riddick, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Whatley, Williams, Willis and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 465. Relating to Madison County; to give the County Commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, persons, firms or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or sales of materials to churches, individuals, firms or corporations.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Smith (J), the House non-concurred in the Senate amendment to the bill, H. 465, and requested a Committee on Conference on the disagreement of the two Houses on the Senate amendment, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

Relating to Madison County; to give the County Commission certain powers and authority in regard to performing road related services upon private property for a fee and selling road construction materials to churches, persons, firms or corporations; setting the conditions under which such work can be done and road construction materials sold; and establishing the procedure governing work on private property or sales of said materials to churches, individuals, firms or corporations.

Be It Enacted by the Legislature of Alabama:

Section 1. The Madison County Commission is hereby authorized and empowered, under the conditions and limitations set forth herein, within

Madison County, to go upon private property and perform road related service, (e.g. grading, scraping, packing, paving, tarring, graveling, cherting, etc.), for a fee, for churches, individuals, firms or corporations and to sell road construction materials, (e.g. asphalt, gravel, chert, sand, dirt, tar, etc.), to churches, individuals, firms or corporations.

Section 2. It is the intent of this bill to make available to Madison County citizens the aforementioned service only when such road related services and road building materials are not available to them at a reasonable cost from private enterprise. Upon the enactment of this bill and during the month of January each year thereafter, the Madison County Commission shall examine the availability of work, services and material from private enterprise in the various areas of Madison County and shall determine a cost for providing said road related services and road construction material. The Madison County Commission shall enter upon the minutes the results of such examination, and the pricing cost for the year, with necessary allowances made for price changes during the year. The Madison County Commission shall then promulgate a written policy which will govern the performance by county crews and equipment of said road related services and the sale of such road construction material by the county. The policy shall include: a description of the road related services which will be performed and the road construction materials to be sold; a provision to include private enterprise to service those needs found in its previous examination; and the limitation upon that such road related services will be allowed and road construction materials will be sold, only where such is not presently available at a reasonable cost from private enterprise. The policy shall also include a provision which will insure that the county shall in no way compete unfairly with the private sector and that such road related services or road construction materials will be made available only to those citizens of Madison County where such road related services or road construction material is not available from private enterprise at a reasonable cost. Moreover, the policy shall include provisions to insure that no subsidy will be allowed to those individuals, firms or corporations contracting with the county and that all cost, either direct or indirect, shall be borne by those entities contracting with the county. Finally, the policy shall include the provisions of a full accounting to support such requirements and said accounting be subject to public inspection. In promulgating said policy, the Madison County Commission shall hold a public hearing on the matter and solicit, by special invitation, a fair sampling of businesses involved in road related work regarding the fairness of the pricing cost and the policy in general. The written policy and pricing cost adopted by the Madison County Commission shall be published annually in a newspaper of general circulation in Madison County in the type normally used for news stories.

Section 3. In no case may county personnel or equipment be permitted to perform road related services on private property where a present public need exists for said county equipment and personnel. Moreover, the personnel and equipment necessary to perform such work on private property shall not be permitted to do so unless the Madison County Commission is to be properly compensated for said road related services performed and for the road construction materials used or sold. In determining proper compensation for road related services performed and for road construction materials used or sold, all indirect costs including but not limited to overhead, management and depreciation shall be included. All moneys derived from payments to the Madison County Commission for such work or services performed and such materials used or sold shall be expended for those purposes, and no other, set forth in Amendment Number 354 to the Constitution of Alabama of 1901 for moneys derived from the sources set out therein.

Section 4. Before any road related services are performed on private property or road construction material is sold to churches, individuals, firms or corporations, a written contract must be signed by the party for whom the said service is to be performed or to whom the material is to be sold stating the work to be done or material sold, the amount to be paid for the road related service or road construction material or the rate by which the amount be paid for such work or material will be computed. The road related services performed must be paid for at the time it is completed and any road construction material delivered must be paid for at the time the material is delivered. All such contracts shall be kept on file in the office of the Madison County Commission for a period of not less than four years and such contracts shall be public writings of this State, as such term is used in Code of Alabama of 1975, Sections 36-12-40 through 36-12-42. The name of each church, individual, firm or corporation for whom the road related services are performed or to whom material is delivered shall be entered upon the permanent minutes of the Madison County Commission at its next regular meeting following the completion of the work or the delivery of the material, along with a description of the work performed or road construction material delivered and a statement of the price paid to the county for the work performed or material sold.

Section 5. The Madison County Commission shall not perform work on private property or sell materials to any church, individual, firm or corporation within any twelve (12) month period in excess of a total amount of One Thousand Dollars (\$1,000.00).

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed but nothing herein contained repeals, amends or modifies in any way the provisions of Code of Alabama of 1975, Section 36-10-8, Section 36-10-14, and Sections 36-25-1 through 36-25-30.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Buskey, Carter, Cates, Cheatwood, Clark (W), Daniels, Dial, Gafford, Gilmer, Greer, Grimsley, Hall, Harper (O), Hines, Johnson (R. G.), Kelley, Langford, Letson, McKee, McMillan, Minus, Moore, Nevett, Olive, Payne, Ray, Riddick, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Venable, Whatley, Williams, Willis and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The Speaker appointed as the committee on the part of the House, Reps. Smith (J), Hall and Smith (M).

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 496. To make legislative findings regarding the need for the efficient collection and disposal of solid waste and the need to develop alternative energy sources by the recovery of energy from solid waste, as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this Act; to provide for and authorize the incorporation by any County or Municipality in the State of one or more public corporations and instrumentalities of the State, upon the filing of an application with, and the making of certain determinations by, the governing body of a County or Municipality; to provide for and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such County or Municipality; to provide for a board of directors of any such authority and the election and removal of the members thereof; to authorize any such authority to acquire, construct, own, lease, operate, or enter into contracts for the operation of, solid waste disposal facilities and resource recovery facilities, and to provide for the general powers to be exercised by any such authority and the conditions under which such powers may be exercised; to empower any such authority to acquire any facility for the recovery of energy from solid waste for lease or sale to any public entity or private person, firm or corporation; to empower any such authority to enter into long-term exclusive contracts for the sale of energy recovered from solid waste; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any authority for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such authority; to provide that the notes, bonds or other obligations of any such authority shall not constitute or create a debt of the State or any County, Municipality or other political subdivision or agency thereof; to provide that the notes, bonds and all the other obligations of any such authority shall constitute negotiable instruments; to provide that the notes, bonds and other obligations of any such authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the State the property, corporate activities, revenues and income of such authority, such transaction or actions to which each such authority is a party or in which it may be involved, and the notes, bonds and all other obligations of each such authority and the income from such notes, bonds and obligations; to exempt any such authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt any such authority from all laws of the State requiring competitive bids for contracts to be entered

into by Municipalities or public corporations; to provide for liberal construction of the provisions of this Act; to confer upon any authority organized under the provisions of this Act the power of eminent domain; to exempt any authority organized under the provisions of this Act from State supervision and control; to exempt each authority from laws permitting cancellation of contracts respecting collection and disposal of solid waste; to provide for the application and effect of Article 1 of Chapter 27 of Title 22 of the Code of Alabama of 1975, as heretofore amended; to provide that any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality may aid and cooperate with any such authority, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality to enter into contracts, for a term not exceeding forty-five (45) years, providing for the disposal of its solid waste and payments by such entity to the authority for such disposal, to provide that such contracts shall not constitute a debt of any County, Municipality or political subdivision, agency or instrumentality and to exempt such contracts from cancellation by any County, Municipality, the State or any State or County agency, including the State Department of Health and County Health Department; to provide that any such authority shall be a not-for-profit corporation; to provide that any such authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such authority, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Ward, the House concurred in and adopted the Senate amendment to the bill, H. 496, said Senate amendment being as follows:

Amend House Bill No. 496, page 2, line 9 by correcting the spelling of a word as follows:

change "souces" to "sources".

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Blake, Bowling, Cabaniss, Carter, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Harper (O), Hines, Holmes, Johnson (R. G.), Kelley, Langford, Letson, McMillan, Minus, Moore, Naramore, Olive, Payne, Penry, Ray, Sasser, Smith (C), Starkey, Stewart, Trammell, Venable, Ward, Whatley, Willis, Wyatt and Zoghby.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 496. To make legislative findings regarding the need for the efficient collection and disposal of solid waste and the need to develop alternative energy sources by the recovery of energy from solid waste, as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this Act; to provide for and authorize the incorporation by any County or Municipality in the State of one or more public corporations and instrumentalities of the State, upon the filing of an application with, and the making of certain determinations by, the governing body of a County or Municipality; to provide for and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such County or Municipality; to provide for a board of directors of any such authority and the election and removal of the members thereof; to authorize any such authority to acquire, construct, own, lease, operate, or enter into contracts for the operation of, solid waste disposal facilities and resource recovery facilities, and to provide for the general powers to be exercised by any such authority and the conditions under which such powers may be exercised; to empower any such authority to acquire any facility for the recovery of energy from solid waste for lease or sale to any public entity or private person, firm or corporation; to empower any such authority to enter into long-term exclusive contracts for the sale of energy recovered from solid waste; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any authority for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such authority; to provide that the notes, bonds or other obligations of any such authority shall not constitute or create a debt of the State or any County, Municipality or other political subdivision or agency thereof; to provide that the notes, bonds and all the other obligations of any such authority shall constitute negotiable instruments; to provide that the notes, bonds and other obligations of any such authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the State the property, corporate activities, revenues and income of such authority, such transaction or actions to which each such authority is a party or in which it may be involved, and the notes, bonds and all other obligations of each such authority and the income from such notes, bonds and obligations; to exempt any such authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt any such authority from all laws of the State requiring competitive bids for contracts to be entered into by Municipalities or public corporations; to provide for liberal construction of the provisions of this Act; to confer upon any authority organized under the provisions of this Act the power of eminent domain; to exempt any authority organized under the

provisions of this Act from State supervision and control; to exempt each authority from laws permitting cancellation of contracts respecting collection and disposal of solid waste; to provide for the application and effect of Article 1 of Chapter 27 of Title 22 of the Code of Alabama of 1975, as heretofore amended; to provide that any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality may aid and cooperate with any such authority, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality to enter into contracts, for a term not exceeding forty-five (45) years, providing for the disposal of its solid waste and payments by such entity to the authority for such disposal, to provide that such contracts shall not constitute a debt of any County, Municipality or political subdivision, agency or instrumentality and to exempt such contracts from cancellation by any County, Municipality, the State or any State or County agency, including the State Department of Health and County Health Department; to provide that any such authority shall be a not-for-profit corporation; to provide that any such authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such authority, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such authority and for the dissolution of any such authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

As thus amended, was again read at length and passed.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Biddle, Blake, Bowling, Carter, Cheatwood, Cobb, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Holmes, Horn, Kelley, Langford, Letson, McMillan, Minus, Moore, Narmore, Nevett, Olive, Payne, Pegues, Rains, Ray, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

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INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Waggoner (With Notice and Proof):

H. 1037. To amend Sections 2 and 3 of Act No. 505 of the Regular Session of the Legislature of Alabama of 1959 (Ala. Acts, 1959, pp. 1242 and 1243).

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1037, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Minus (With Notice and Proof):

H. 1038. Relating to Choctaw County; to provide for an advisory only referendum on the question of the manner of selection of the county superintendent of education.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1038, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Minus (With Notice and Proof):

H. 1039. Relating to Sumter County; providing for the life saving standard that any person hunting deer with guns wear "hunter orange" and providing certain exceptions.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1039, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Pegues (With Notice and Proof):

H. 1040. To authorize the Perry County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1040, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Pegues (With Notice and Proof):

H. 1041. Relating to Perry County; authorizing the County commission to change its day of regular meeting of the Commission from the second and fourth Monday of each month as specified in Code of Alabama 1975, Title 11, Chapter 3, Section 8, to the second and fourth Tuesday of each month.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1041, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Pegues (With Notice and Proof):

H. 1042. Relating to Perry County; authorizing the county commission to levy an additional privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages outside the municipal limits of Marion and Uniontown; and to provide for the distribution of the proceeds of said tax.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1042, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dial (With Notice and Proof):

H. 1043. Relating to Clay County; providing further for the compensation of election officials.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1043, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Coburn and Goodwin (With Notice and Proof):

H. 1044. To extend, alter and rearrange the boundaries and corporate limits of the City of Sheffield so as to annex certain contiguous territory to the City of Sheffield.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1044, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Daniels (With Notice and Proof):

H. 1045. An Act relating to Geneva County; providing the county governing body may supplement the salary of the District Judge from the County General Fund up to Five Thousand Dollars (\$5,000.00) per annum.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1045, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Daniels (With Notice and Proof):

H. 1046. Relating to Geneva County; providing that the Geneva County Commission or like governing body of Geneva County shall be authorized to levy sales and use taxes generally paralleling the state sales and use taxes with the same and additional exemptions and exclusions; providing for the collection of the revenue from said taxes; providing for the distribution of said revenue; providing that any such taxes may be levied in Geneva County as a whole or that there may be excluded from any such levy any incorporated municipality in Geneva County in which the general administration and supervision of public schools shall be vested in a city board of education; and providing for the discretionary holding of an advisory referendum.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1046, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Smith (C) (With Notice and Proof):

H. 1047. Relating to Chilton County; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1047, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Bowling and Brakefield (With Notice and Proof):

1048. To provide an expense allowance for the Circuit Court Register in Winston County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1048, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Roberts, Patton, Letson and Cooley (With Notice and Proof):

H. 1049. Relating to Morgan County; amending further Act No. 520, H. 1154, Regular Session 1965 (Acts 1965, p. 762), relative to establishing a jury commission for the county, so as to provide further for the compensation of said commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1049, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Stout and Rains (With Notice and Proof):

H. 1050. To repeal Act No. 79-346, H. B. 301, 1979 Regular Session of the Alabama Legislature, entitled, "An Act Relating to selling and redeeming lands for taxes in DeKalb County, Alabama."

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1050, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Gilmer (With Notice and Proof):

H. 1051. Relating to Lamar County; to further provide for the compensation and expense allowances of certain members of the commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1051, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Gilmer (With Notice and Proof):

H. 1052. Relating to Lamar County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1052, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Shavers (With Notice and Proof):

H. 1053. Relating to Jackson County; to amend Act 79-473, Regular Session 1979 (Acts 1979, p. 873) which pertains to the distribution of Tennessee Valley Authority payments in lieu of taxes, so as to distribute certain moneys to the Jackson County Hospital Board.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1053, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Shavers (With Notice and Proof):

H. 1054. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro in Jackson County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1054, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Langford, Grouby, Wyatt, Holmes, McKee and Dixon (With Notice and Proof):

1055. Relating to Montgomery County; providing for the assessment and collection of ad valorem taxes on motor vehicles, transferring certain duties and responsibilities of the tax assessor and tax collector to the probate judge requiring an additional bond of the probate judge; providing for the deposit of fees and commissions in the general fund of the county; providing that the cost of the operation of the office of probate judge due to assessment and collection of said ad valorem taxes shall be borne in part by the City of Montgomery; and defining terms.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1055, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. McKee (With Notice and Proof):

H. 1056. Relating to Montgomery County; to provide further for the compensation of the judge of probate.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1056, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Blake (With Notice and Proof):

H. 1057. Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1057, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Harper (O) and Turnham (With Notice and Proof):

H. 1058. Relating to Tallapoosa County; removing raccoons and foxes from the category of fur-bearing animals.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1058, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Penry and McMillan (With Notice and Proof):

H. 1059. Relating to Baldwin County; authorizing the county commission to protect the historic and preservation districts; creating certain agencies to promote the preservation of such districts which are located or are to be located in the designated historic districts; and adopting other provisions necessary to effect the purposes of this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1059, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. McMillan and Penry (With Notice and Proof):

H. 1060. Relating to Baldwin County; to provide further for the compensation of election officers.

Local Legislation No. 1.

REGULAR SESSION
24th Day

1377

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1060, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. McMillan and Penry (With Notice and Proof):

H. 1061. Relating to Baldwin County; to regulate and control the operation and licensing of massage parlors and to provide penalties for violation.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1061, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. McMillan and Penry (With Notice and Proof):

H. 1062. Relating to Baldwin County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1062, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. McMillan and Penry (With Notice and Proof):

H. 1063. Relating to Baldwin County; levying an additional privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of cigarettes and cigars in the county; providing for the collection and enforcement of the tax, appropriating the proceeds therefrom and prescribing penalties for violations.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1063, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. McMillan and Penry (With Notice and Proof):

H. 1064. Relating to Baldwin County; to levy an additional privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages and to provide for the distribution of the proceeds of said tax.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1064, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. McMillan and Penry (With Notice and Proof):

H. 1065. Relating to Baldwin County; to provide for the salary of the Judge of Probate.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1065, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Moore and Smith (C) (With Notice and Proof):

H. 1066. Applying only to Shelby County; regulating and identifying certain mobile homes; providing for the use of decals for such purpose; and providing fees and penalties.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1066, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Moore (With Notice and Proof):

H. 1067. To promote the maintenance of Shelby County's natural beauty by eliminating unsightly and unhealthy litter; to provide for the dissemination in Shelby County of information pertaining to laws relative to littering and penalties therefor; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant authority to the Shelby County Commission or other like governing body to establish and appoint, for the enforcement of littering laws in Shelby County, an agency and personnel empowered with the authority of peace officers as defined by state law for the primary purpose of enforcing littering laws and other laws relating to littering in Shelby County; to grant authority to the Shelby County Health Department to enforce littering laws in Shelby County, and to provide for a means to plea to the public to heed such laws and to help to eliminate litter in such county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1067, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Wyatt (With Notice and Proof):

H. 1068. To amend Sections 3.02, 3.05, 3.12, 3.15 and 4.04 of Act 618, H. 796, 1973 Regular Session of the Legislature (Acts 1973, p. 879), relating to the Mayor-Council form of government in cities with a population of not

less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide for the Council of certain cities to set per diem allowances, salaries, or expense allowances (with certain limitations), to require persons seeking council seats to pay a qualifying fee of \$100 or submit a petition of 200 signatures of registered voters, to allow the Council to set its meeting days, and to fix the salary of the Mayor (with certain limitations).

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1068, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Wyatt (With Notice and Proof):

H. 1069. To amend certain sections of Act No. 618, H. 796, 1973 Regular Session (Acts 1973, p. 879), entitled, "An Act To provide a form of municipal government to be known as the mayor-council form of government, which may be adopted by any city in the State of Alabama having a population of not less than 70,000 nor more than 135,000 according to the last or any succeeding federal or municipal census; to provide the method by which any such city may adopt the mayor-council form of government; to provide for the calling and holding of elections to vote thereon; to define and provide the legal status, form of government and powers of any such city under the mayor-council form of government; to provide as the governing body of such city a city council; to provide for the number of members of the council, their election and terms of office; to provide the functions, duties, powers and authority of the city council; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the election, term, qualifications and compensation of a mayor and for the filling of vacancies in the office of mayor and to provide the duties and authority of the mayor; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission, and adoption and the effect thereof; to create and define the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the terms and effects of succession in government of any city adopting the mayor-council form of government; to make various other provisions for any such city which adopts the mayor-council form of government and for the government thereof; and to provide for the means of abandoning the mayor-council form of government and the adoption by the city of other forms of municipal government in lieu thereof, "so as to provide further for said form of government.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1069, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Wyatt (With Notice and Proof):

H. 1070. Relating to Montgomery County; providing for purging the names of ineligible county voters; providing for the procedure for the re-identification of qualified registered voters; placing certain duties on the

board of registrars and judge of probate and county governing body relative to the reidentification process; providing a similar re-identification process following each decennial census year; and providing that willful false statements shall be punishable as perjury under the general laws of the state.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1070, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Owens (With Notice and Proof):

H. 1071. Relating to selling and redeeming lands for taxes in Bibb County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1071, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Owens (With Notice and Proof):

H. 1072. Relating to Bibb County; to provide for the expense allowance of the coroner.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1072, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Warren and McCorquodale (With Notice and Proof):

H. 1073. Relating to Monroe County; amending Act No. 686, H. 1677, 1975 Regular Session (Acts 1975, p. 1437) entitled "An Act Relating to Monroe County; to authorize the tax assessor to hire clerical employees; to provide a clerk hire allowance for the tax assessor and to repeal Act No. 1831, H. 2480, Regular Session of the Legislature 1971 (Acts 1971, p. 2996), and other conflicting laws, so as to increase said allowance.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1073, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Warren and McCorquodale (With Notice and Proof):

H. 1074. Relating to Monroe County; amending Act No. 682, H. 1673, 1975 Regular Session (Acts 1975, p. 1435) entitled "An Act Relating to Monroe County; to authorize the tax collector to hire clerical employees; to

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provide a clerk hire allowance for the tax collector and to repeal Act No. 1828, H. 2477, Regular Session of the Legislature 1971 (Acts 1971, p. 2995), and other conflicting laws," so as to increase said allowance.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1074, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Johnson (Roy), Howard, Barton, Owens and Clark (G)
(With Notice and Proof):

H. 1075. Relating to Tuscaloosa County; to provide an expense allowance to certain County and Judicial Officers, and supplemental salary increase to certain County employees in said County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1075, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Zoghby and Kennedy:

H. 1076. To establish the "Protection from Abuse Act"; to provide for proceedings to bring about the cessation of abuse from a family violence disturbance; to provide for hearing, and including the following: injunctive relief directing defendant to refrain from abusing plaintiff, temporary orders of relief granting possession to the plaintiff of a residence or household to the exclusion of defendant, the awarding of temporary custody of and/or temporary visitation rights regarding minor children, temporary support for plaintiff and/or minor children, and emergency relief in an ex parte proceeding; and to provide that the defendants in such proceedings shall have the same rights, remedies and due process where any wrongful action is instituted, as any defendant in other civil and criminal action.

Judiciary.

By Reps. Zoghby and Kennedy:

H. 1077. To amend Sections 40-14-40 and 40-14-43, Code of Alabama 1975, which provide for the levying of franchise taxes on domestic corporations and the remittance and distribution of proceeds of said taxes, so as to provide further for the levy and distribution of the proceeds of the said taxes and to provide that the provisions of this Act shall be effective only for the fiscal year of 1980-1981.

Ways and Means.

By Reps. Minus and Manley (With Notice and Proof):

H. 1078. Relating to Sumter County; to provide for a \$100 expense allowance in lieu of mileage to be paid monthly to the members of the Sumter County Board of Education.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1078, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Whatley:

H. 1079. To amend Section 2-21-24, Code of Alabama 1975, which relates to inspection fees, reports and cancellation of licenses concerning commercial feeds so as to raise the amount required to be paid to the Agricultural Fund of the Department of Agriculture and Industries for inspection fees.

Agriculture and Forestry.

By Rep. Whatley:

H. 1080. To amend Section 2-22-9, Code of Alabama 1975, pertaining to filing of reports, payment of inspection fees, examination of records of persons required to pay inspection fees on the sale of commercial fertilizers so as to raise the amount of inspection fees charged.

Agriculture and Forestry.

By Rep. Whatley:

H. 1081. To require a pump tax permit for retail sellers of gasoline or other liquid motor vehicle fuels; to set the tax for said permit and the disposition of said pump tax; to provide for identifying each pump; to provide for the making of regulations; and to provide for penalties for violating the act.

Agriculture and Forestry.

By Rep. Clark (G) (With Notice and Proof):

H. 1082. Relating to Greene County; providing for an additional allowance for election officials who work at polling places.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1082, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Barton (With Notice and Proof):

H. 1083. Relating to Tuscaloosa County; authorizing the county governing body and the governing bodies of municipalities in the county to adopt ordinances which protect the historic architectural character of the county, including designating historic districts, creating certain agencies to regulate and promote the preservation of such districts, which are located or are to be located in the designated historic districts, and adopting other provisions necessary to effect the purposes of this Act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1083, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Waggoner and Bennett (With Notice and Proof):

H. 1084. To levy in and for Jefferson County, Alabama, a privilege or license tax, in an amount prescribed in said Act, on each person engaging, or continuing, within the County in the business of leasing or renting any tangible personal property, subject to the exceptions contained in said Act.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1084, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bennett (With Notice and Proof):

H. 1085. Relating to Class I municipalities to limit the amount of claims made under municipally insured employee health care expense reimbursement programs in order to protect public monies.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1085, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Clark (G) and Manley:

H. 1086. To amend Section 11-18-21, Code of Alabama 1975, relating to condemnation of land by a county, so as to permit counties to condemn land for industrial development parks.

Judiciary.

By Rep. Minus (With Notice and Proof):

H. 1087. Relating to Sumter County to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds; providing penalties for violations of this act; and providing that the terms of this act shall not become effective unless approved by the electors of Sumter County at a referendum election held for such purpose.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1087, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 1088. Relating to Bullock County; authorizing the county governing body to levy in addition to any and all other taxes a one-cent sales tax; providing that the net revenue from such tax shall be used for purposes relating to the constructing, maintaining, equipping, furnishing, repairing, and operating a county prison; providing that such levy shall be collected by the department of revenue and shall be subject to all of the definitions, exceptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishment, and deductions as prescribed in the state sales tax provisions in Title 40, Chapter 23, Article 1 of the Code of Alabama 1975; and providing for the expiration of such additional sales tax levy; and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1088, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 1089. Relating to Bullock County; providing further for an expense allowance for the county commissioners.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1089, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 1090. To exempt the Bullock County Health Services, Inc., from the payment of all state, county and municipal sales and use taxes.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1090, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 1091. To exempt the Bullock County Ambulance Service, Inc., from the payment of all state, county and municipal sales and use taxes.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1091, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

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By Reps. Jackson, Boles and Horn (With Notice and Proof):

H. 1092. To further amend Section 12 of an Act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of Alabama of 1945, pages 376-400) as heretofore amended relating to creating and establishing in counties having a population of 400,000 inhabitants or more according to the last or any future federal census, a county-wide civil service system.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1092, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Hines, McMillan and Harper (T):

H. 1093. To amend Sections 1, 3 and 4 of Act No. 134 adopted at the Second Special Session of the Legislature of 1978 which convened on July 31, 1978 to change the definition of "Board" thereunder to conform to Act No. 426 of the 1979 Regular Session of the Legislature; to provide that bonds issued pursuant to the said Act and the constitutional amendment which was proposed by Act No. 7 of the said Special Session shall not be subject to any laws restricting the rate of interest which such bonds may bear or respecting usury and may mature not more than three years after their date; and to change the designation of one member of the Bond Commission established under the said Act No. 134.

State Administration.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Smith (C):

H. R. 228. COMMENDING MS. MARILYN B. GILES OF MAPLESVILLE, ALABAMA, OUTSTANDING CHILTON COUNTY EDUCATOR.

Also:

The following resolution was introduced:

By Rep. Holmes:

H. J. R. 229. ADOPTING THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES PROVIDING FOR REPRESENTATION OF THE DISTRICT OF COLUMBIA IN CONGRESS.

WHEREAS, on August 22, 1978, the Congress of the United States of America adopted the following proposition to amend the Constitution of the United States of America in the following words, to-wit:

"HOUSE JOINT RESOLUTION 554

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the

Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE

"SECTION. 1. For purposes of representation in the Congress, election of the President and Vice President, and article V of this Constitution, the District constituting the seat of government of the United States shall be treated as though it were a State.

"SEC. 2. The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, and as shall be provided by the Congress.

"SEC. 3. The twenty-third article of amendment to the Constitution of the United States is hereby repealed.

"SEC. 4. This article shall be inoperative, unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the proposed amendment to the Constitution of the United States as herein shown is hereby adopted by the Legislature of Alabama.

RESOLVED FURTHER, That a copy of this resolution be sent to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

The resolution, H. J. R. 229, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

S. 511. Relating to the City of Foley in Baldwin County; authorizing the utilities board of the City of Foley to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this Act from the jurisdiction and control of the Alabama Public Service Commission.

Was read a third time at length and passed.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cooley, Crow, Gafford,

Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (T), Harvey, Hines, Kennedy, Langford, Letson, McKee, McMillan, Manley, Mitchell, Olive, Penry, Ray, Reed, Sasser, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turner, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 530. Relating to Cleburne County; providing further for hospital service for the indigent in the county; authorizing the expenditure of funds to doctors who will engage in the practice of medicine in the county as an inducement to same, and providing for its retroactive effect.

Was read a third time at length and passed.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Blake, Brakefield, Carothers, Carter, Cheatwood, Clark (W), Cooley, Crow, Dial, Grimsley, Hall, Hammett, Harper (T), Harvey, Hines, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Mitchell, Ray, Reed, Sasser, Shoemaker, Smith (J), Stewart, Stout, Turner, Venable, Ward, Williams, Willis, Wyatt and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 882. Relating to Shelby County; providing for a referendum on the question of replacing the probate judge as chairman of the county governing body; further providing for the salary, term of office, vacancy, bond, and election of said chairman.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Biddle, Blake, Brakefield, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Crow, Dial, Gafford, Gilmer, Grimsley, Hammett, Harper (O), Harper (T), Hines, Howard, Kelley, Kennedy, Laird, Letson, McMillan, Manley, Olive, Patton, Ray, Roberts, Sasser, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 923. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cooley, Crow, Dial, Gafford, Gilmer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Hines, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Mitchell, Patton, Payne, Penry, Ray, Sasser, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 954. Relating to Marengo County; providing for an additional allowance for election officials who work at polling places.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Cooley, Crow, Dial, Gafford, Gilmer, Grimsley, Hall, Harper (O), Harper (T), Hines, Kennedy, Laird, Langford, Letson, McMillan, Manley, Olive, Payne, Pegues, Penry, Ray, Sasser, Shoemaker, Smith (J), Stewart, Stout, Turner, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 955. Relating to Marengo County; providing for an expense allowance for members of the Board of Education and repealing Act No. 212, H. 591, 1957 Regular Session, (Acts 1957, p. 269).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Bedsole, Blake, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Cooley, Crow, Dial, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Harper (O), Hines, Kennedy, Laird, Langford, Letson, McMillan, Manley, Olive, Owens, Penry, Ray, Roberts, Sasser, Shoemaker, Smith (J), Starkey, Stewart, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 956. Relating to Marengo County; providing further for the expense allowance and mileage for the chairman and members of the county board of equalization; providing such payments shall be payable from state and local funds as provided by law; and giving the provisions of the Act retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Cooley, Crow, Dial, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Hines, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Olive, Owens, Pegues, Penry, Roberts, Sasser, Shoemaker, Smith (J), Starkey, Stewart, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 957. To repeal Act No. 355, H. 896 of the 1969 Special Session (Acts 1969, Vol. I, p. 728), entitled, "An Act To apply only in counties having

populations of not less than 27,000 nor more than 30,000; providing expense allowances for members of the county board of equalization payable from the general funds of the county; and giving the act retroactive effect."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Cooley, Crow, Drinkard, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Johnson (R. G.), Kennedy, Laird, Langford, McKee, McMillan, Manley, Moore, Olive, Owens, Pegues, Penry, Sasser, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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And the bill:

H. 963. Relating to Clark County; providing an additional expense allowance for the tax collector and tax assessor of the county, as set by the county commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Cooley, Crow, Dial, Drinkard, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Moore, Olive, Owens, Payne, Pegues, Penry, Roberts, Sasser, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill:

H. 966. Relating to Fayette County; giving the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individuals or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Coburn, Crow, Dial, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Moore, Olive, Owens, Payne, Pegues, Penry, Reed, Roberts, Sasser, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Venable, Waggoner, Whatley, Williams, Willis, Wyatt and Zoghby.

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And the bill:

H. 967. (With Amendment): To amend and re-enact Act No. 79-574, H. 995, 1979 Regular Session (Acts 1979, p. 1022), entitled, "An Act Relating to Cullman County; to establish a county personnel board; to provide for the appointment, and compensation of the members; and to provide for the powers, duties and authority of the personnel board in the personnel administration of the county," to provide further for said personnel board.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

On page 2, Section 1, line 5, after the word "provided", insert the following language:

in whole or in part

On page 2, Section 1, line 9, after the language "department," strike the language "tax assessor's" and insert in lieu thereof:

revenue commissioner's

On page 2, Section 1, lines 9 and 10, after the language "office", strike the following language:

tax collector's office, and

On page 2, Section 1, line 10, after the word "office", insert the following language:

, and juvenile probation office, including the chief probation officer,

On page 9, Section 1, line 33, after the language "clerk of the revenue commissioner," strike the language:

the revenue commissioner,

On page 10, Section 1, line 9, after the word "paid", insert the following language:

in whole or in part

On page 10, Section 1, lines 21 and 22, strike all the language between the word "shall" on line 21 and "be" on line 22.

And the amendment was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Crow, Dial, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Moore, Olive, Owens, Payne, Pegues, Penry, Roberts, Sasser, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—58

AMENDMENT OFFERED

Rep. Cooley offered the following amendment to the bill, H. 967 as amended:

Amend H. B. 967 as follows: On page 2, line 32 after the period (.) add the following:

Elected officials shall be authorized to reject any applicant for employment within their respective offices.

Further amend on page 3, line 10 by striking the following: “, tax assessor, tax collector and add in lieu thereof the following: “revenue commissioner”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Crow, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hines, Horn, Kennedy, Laird, Langford, McKee, McMillan, Manley, Moore, Owens, Payne, Pegues, Penry, Reed, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis and Wyatt.

—54

And the bill, H. 967 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Cobb, Cooley, Crow, Dial, Edwards, Gafford, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Horn, Kennedy, Laird, Langford, McKee, McMillan, Manley, Moore, Olive, Payne, Penry, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—57

And the bill:

H. 968. To provide for increased revenue for roads and bridges in Cullman County in the event no state general bill becomes effective for such purpose by defining the circumstances under which the Cullman County Commission shall be authorized to levy and provide for the collection of an additional tax of not more than two cents on motor fuels and to provide for distribution and use of the proceeds from the tax.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Coburn, Cooley, Crow, Daniels, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Hines, Howard, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Moore, Olive, Penry, Reed, Sasser, Smith (J), Starkey, Stewart, Stout, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis and Wyatt.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 970. To amend further Act No. 1247, H. 1642, Regular Session 1971 (Acts 1971, p. 2147), relating to the issuance of pistol permits in Cullman County so as to correct a Code citation in such act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Cooley, Crow, Daniels, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Horn, Kennedy, Laird, Langford, McKee, Manley, Minus, Moore, Olive, Owens, Payne, Pegues, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—58

And the bill:

H. 978. Relating to Monroe County; amending Act No. 1830, H. 2479, 1971 Regular Session (Acts 1971, p. 2996) entitled "An Act To provide for the compensation of the chief clerk of the judge of probate in Monroe County," so as to increase said compensation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Blake, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Crow, Daniels, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Hines, Horn, Kennedy, Laird, Langford, McKee, Manley, Minus, Moore, Olive, Owens, Penry, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—54

And the bill:

H. 981. Relating to Cherokee County; providing salaries for the Chairman and associate members of the Cherokee County Commission; providing for travel allowance for out of County travel for all members of the County governing body; and repealing Act No. 523 and Act No. 664 of the 1976 Regular Session.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Crow, Daniels, Gafford, Gilmer, Goodwin, Grimsley, Hall, Harper (O), Harper (T), Hines, Horn, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Moore, Olive, Penry, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—55

And the bill:

H. 982. Relating to Cherokee County; to provide further for the expense allowance and compensation of certain county officers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Crow, Daniels, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Hines, Kennedy, Laird, Langford, McKee, Manley, Minus, Moore, Olive, Pegues, Penry, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—56

And the bill:

H. 999. Relating to Cherokee County; to provide an expense allowance for the coroner, and to provide that such allowance shall convert to a salary increase beginning with the next term of office of the coroner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Crow, Daniels, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Hines, Horn, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Moore, Olive, Pegues, Penry, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—60

And the bill:

H. 949. To provide for the relief of Marjorie Armstrong by granting to her the extraordinary disability allowance provided by Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts, 1951, pp. 1591-1592), as amended; to state the reasons for granting such allowance; to provide for the periods during which such allowance shall be payable; and to prescribe the conditions and limitations applying to such allowance.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Crow, Edwards, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Hilliard, Hines, Horn, Howard, Jackson, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Moore, Olive, Payne, Penry, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—62

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Bennett to suspend the rules in order to take up out of order the bill, H. 654, was lost, lacking a four-fifths vote.

Yeas 16; Nays 7.

Yeas:

Reps.: Adams (H), Amari, Bennett, Brakefield, Cabaniss, Coburn, Gafford, Grimsley, Grouby, Hilliard, Langford, Moore, Payne, Smith (J), Venable and Waggoner.

—16

Nays:

Reps.: Boles, Cheatwood, Horn, Howard, Jackson, Olive and Tucker.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Waggoner to suspend the rules in order to take up out of order the bill, H. 550, was lost, lacking a four-fifths vote.

Yeas 12; Nays 4.

Yeas:

Reps.: Amari, Biddle, Boles, Cabaniss, Gafford, Hilliard, Howard, Moore, Olive, Trammell, Waggoner and Whatley.

—12

Nays: Reps.: Cheatwood, Horn, Jackson and Payne.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Amari, the rules were suspended in order to take up out of order the bill, H. 575.

Yeas 10; Nays 2.

Yeas:

Reps.: Amari, Bennett, Boles, Hilliard, Horn, Howard, Payne, Trammell, Tucker and Waggoner.

—10

Nays: Reps.: Cheatwood and Olive.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 575. Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) as amended by Act 499, Regular Session 1979, an act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 14; Nays 0.

Yeas:

Reps.: Amari, Bennett, Biddle, Boles, Cheatwood, Gafford, Hilliard, Horn, Howard, Jackson, Payne, Trammell, Tucker and Waggoner.

—14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 831. (With Amendment): Relating to Mobile County; to provide for additional expense allowances for the chairman and members of the Board of Equalization.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 831 on page 1, Section 1, lines 19 and 21 by striking the figure \$6,250.00 after the word "of" and inserting in lieu thereof, the following: \$2,250.00.

And the amendment was adopted.

Yeas 30; Nays 1.

Yeas:

Mr. Speaker, Barton, Bedsole, Biddle, Blake, Brakefield, Buskey, Cheatwood, Clark (W), Greer, Hall, Harper (O), Harper (T), Horn, Kennedy, Langford, Manley, Mitchell, Moore, Naramore, Olive, Patton, Starkey, Stewart, Stout, Turner, Waggoner, Williams, Wyatt and Zoghby.

—30

Nay: Rep. Hammett.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 831 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 35; Nays 0.

Yeas:

Mr. Speaker, Albright, Blake, Brakefield, Buskey, Cheatwood, Clark (W), Crow, Greer, Hall, Harper (O), Harper (T), Hines, Horn, Kennedy, Laird,

Langford, McMillan, Manley, Mitchell, Naramore, Penry, Ray, Starkey, Stewart, Stout, Trammell, Turner, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 832. Relating to Mobile County; to provide that a person will be subject to arrest and prosecution for theft if he picks up a dog wearing a collar and tag which identifies the owner and the person fails to return the dog or notify the owner of his possession of the dog.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 26; Nays 0.

Yeas:

Reps.: Biddle, Blake, Brakefield, Buskey, Cheatwood, Clark (W), Crow, Gafford, Greer, Harper (O), Harper (T), Kennedy, Laird, Moore, Naramore, Olive, Roberts, Smith (J), Starkey, Stewart, Trammell, Turner, Waggoner, Willis, Wyatt and Zoghby.

—26

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 857. Relating to Mobile County; providing for the compensation of the county treasurer.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Buskey, Cabaniss, Cheatwood, Crow, Ford, Grimsley, Hall, Harper (O), Harper (T), Harvey, Horn, Kennedy, Laird, Langford, Mitchell, Naramore, Olive, Patton, Reed, Roberts, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Waggoner, Ward, Whatley, Willis, Wyatt and Zoghby.

—42

Nay: Rep. Clark (W).

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 875. (With Substitute) (With Amendment): To amend Section 16 (a) (b) (1) (2) (3) (c) (d) and add Section 30, of Act No. 243, H. 278, First Special Session, 1964, as amended, which establishes the Pension and Relief System for policemen and firemen of the City of Mobile, by adjusting the pension benefits to be received by the surviving spouse of certain members of the Police and Fire Departments of the City of Mobile and by providing a refund of contribution made by any member of said departments in the event of said member's death prior to said member's spouse becoming eligible for a survivor's benefit, and providing for a refund of contributions made by any member whose employment with said department is terminated prior to death; and to provide that any city employee who is transferred to the Police or Fire Departments upon compliance with certain requirements will be given credit for all years of service with the City of Mobile on the Pension Roll of the Policemen and Firemen Pension and Relief Fund.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 3, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 16 (a) (b) (1) (2) (3) (c) (d) and add Section 30, of Act No. 243, H. 278, first special session, 1964, as amended, which establishes the Pension and Relief System for policemen and firemen of the city of Mobile, by adjusting the pension benefits to be received by the surviving spouse of certain members of the police and fire departments of the city of Mobile and by providing a refund of contribution made by any member of said departments in the event of said member's death prior to said member's spouse becoming eligible for a survivor's benefit, and providing for a refund of contributions made by any member whose employment with said department is terminated prior to death; and to provide that any city employee who is transferred to the police or fire departments upon compliance with certain requirements will be given credit for all years of service with the city of Mobile on the pension roll of the Policemen and Firemen Pension and Relief Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 16 (a) (b) (1) (2) (3) (c) (d) of Act No. 243, H. 278, first Special Session, 1964, as amended (Act 1964, page 326) is hereby amended further to read as follows:

"Section 16. (a) In the case of the death of a person eligible for retirement, an allowance shall be paid to the surviving spouse in an amount that would have been payable if the person had retired immediately prior to his death and had elected Option 2, as set forth in Section 28.

"Section 16. (b) In the case of the death of a person not eligible for retirement, after completion of twenty-five (25) years of creditable service, an allowance shall be paid to the surviving spouse in an amount that would have been payable if the person had retired for disability immediately prior to his death and had elected Option 2 as set forth in Section 28 or if the surviving spouse desires, he or she may choose to receive the accumulated contributions of the person in lieu of the allowance provided under Option 2 plus an amount equal to the accumulated contributions of the person not to exceed five thousand dollars (\$5,000.00);

"Section 16. (c) Upon the death of a person on account of whom no survivor allowance is payable under Subdivisions (1) or (2) of this Section, the accumulated contributions of the person plus an amount equal to the accumulated contributions, not to exceed five thousand dollars (\$5,000.00) shall be paid to his or her estate or to such person as he or she shall have nominated by written designation duly executed and filed with the Board of Pensions.

"Section 16. (c) (1) The provisions of Section 16 (a), (b), and (c) are not retroactive and shall not affect the pension now being received by the widow or surviving children of any member of the Police or Fire Department who died prior to the effective date of this Act.

"Section 16. (d) Whenever the employment of a member of the Police and Fire Department of the City shall be terminated for any reason, except death, before eligibility for pension benefits hereunder has been established, the contribution of such employee to the fund shall be refunded in lump sum without interest to the employee. Prior service of employee rehired after termination and refund as herein provided shall not count toward future retirement unless said employee pays into said Policemens and Firefighters Pension Fund the amount of such refund plus interest at the rate of eight percent (8%) per annum from the date of said refund, in which event said employee shall be given credit for such prior service."

Section 2. That Act No. 243, H. 278, First Special Session, 1964, as amended (Acts of 1964, page 326) is hereby amended by adding Section 30 to read as follows:

"Section 30. Any regular employee of any department of the City of Mobile, other than Police and Fire Departments, who has been or is transferred to the Police or Fire Departments of the City of Mobile by the City of Mobile, upon payment into the Police and Firefighters Pension and Relief Fund of an amount equal to that percentage of his salary as a regular employee that would have been contributed to said fund by said employee had said employee been a member of the Police and Fire Departments of the City of Mobile, plus interest at the rate of eight per cent (8%) per annum, and payment of a like sum into said fund by the City of Mobile, will be given credit for all years of employment with the City of Mobile on the pension roll of the Policemen and Firefighters Pension and Relief Fund. This Section shall not be construed to include any former or future employee of any department of the City of Mobile other than the Police and Fire Departments who resigned, or resigns, in order to become an employee of the Police and Fire Departments of the City of Mobile, or who requested, or requests, to be transferred to the Police or Fire Department of the City of Mobile."

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Section 4. The provisions of this act are severable. If any part of this act is declared to be invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Brakefield, Buskey, Cabaniss, Cheatwood, Clark (G), Clark (W), Coburn, Crow, Gilmer, Greer, Grimsley, Hall, Harper (O), Harper (T), Kennedy, Langford, Letson, Mitchell, Nevett, Olive, Patton, Payne, Penry, Reed, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 875 as substituted on page 3, lines 5 thru 28, by striking therefrom Section 2 in its entirety.

Further amend said bill by renumbering the remaining sections in proper numerical sequence.

And the amendment was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Blake, Brakefield, Buskey, Cabaniss, Cheatwood, Clark (G), Clark (W), Crow, Ford, Greer, Grimsley, Hall, Harper (O), Harper (T), Kennedy, Laird, Langford, Mitchell, Nevett, Olive, Patton, Penry, Reed, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Whatley, Williams, Willis, Wyatt and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 875. To amend Section 16 (a) (b) (1) (2) (3) (c) (d) and add Section 30, of Act No. 243, H. 278, first special session, 1964, as amended, which establishes the Pension and Relief System for policemen and firemen of the city of Mobile, by adjusting the pension benefits to be received by the surviving

spouse of certain members of the police and fire departments of the city of Mobile and by providing a refund of contribution made by any member of said departments in the event of said member's death prior to said member's spouse becoming eligible for a survivor's benefit, and providing for a refund of contributions made by any member whose employment with said department is terminated prior to death; and to provide that any city employee who is transferred to the police or fire departments upon compliance with certain requirements will be given credit for all years of service with the city of Mobile on the pension roll of the Policemen and Firemen Pension and Relief Fund.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Brakefield, Buskey, Cabaniss, Carothers, Cheatwood, Clark (G), Clark (W), Crow, Dial, Ford, Greer, Grimsley, Hall, Harper (O), Harper (T), Kennedy, Laird, Langford, Letson, McKee, Mitchell, Nevett, Olive, Penry, Reed, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Whatley, Williams, Willis, Wyatt and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Manley to suspend the rules in order to take up out of order the bill, H. 532, was lost, lacking a four-fifths vote.

Yeas 59; Nays 27.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Cabaniss, Campbell, Carter, Cates, Clark (G), Coburn, Cosby, Dial, Edwards, Ford, Gafford, Gregg, Grimsley, Grouby, Hammett, Harper (T), Harvey, Hines, Johnson (R. G.), Kelley, Laird, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (J), Starkey, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—59

Nays:

Reps.: Albright, Boles, Brakefield, Buskey, Cheatwood, Clark (W), Gilmer, Hall, Harper (O), Hilliard, Holley, Horn, Howard, Jackson, Kennedy, Langford, Letson, Nevett, Rains, Reed, Shavers, Smith (C), Smith (M), Stewart, Trammell, Tucker and Wyatt.

—27

And the bill:

H. 972. Relating to Lawrence County; to allow the use of dogs and/or buck shot in shotguns in deer hunting outside of wildlife management hunting areas, or on certain privately owned land lying inside wildlife management hunting areas.

Was taken up.

SUBSTITUTE OFFERED

Rep. Letson offered the following substitute to the bill, H. 972:

A BILL
TO BE ENTITLED
AN ACT

Relating to Lawrence County; to allow the use of dogs and/or buck shot in shotguns in deer hunting outside of wildlife management hunting areas.

Be It Enacted by the Legislature of Alabama:

Section 1. Any rule or regulation of the Department of Conservation and Natural Resources to the contrary notwithstanding, buck shot in shotguns and/or dogs may be used to hunt deer in Lawrence County during the legal hunting season on lands outside of any wildlife management hunting area located in the county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Bedsole, Buskey, Cabaniss, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Crow, Drinkard, Greer, Hall, Hammett, Harper (T), Harvey, Holmes, Letson, Manley, Nevett, Olive, Patton, Payne, Ray, Reed, Roberts, Shavers, Smith (J), Starkey, Stewart, Trammell, Venable, Whatley, Williams and Willis.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 972. Relating to Lawrence County; to allow the use of dogs and/or buck shot in shotguns in deer hunting outside of wildlife management hunting areas.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 1.

Yeas:

Mr. Speaker, Albright, Bedsole, Blake, Buskey, Cabaniss, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Crow, Drinkard, Gilmer, Greer, Grimsley, Hall, Harper (O), Harper (T), Horn, Kennedy, Langford, Manley, Nevett, Olive, Patton, Payne, Ray, Reed, Sasser, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Venable, Waggoner, Whatley, Williams, Willis and Zoghby.

—41

Nay: Rep. Turner.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 973. Relating to Lawrence County; to abolish the office of license inspector; to place the powers, duties and functions of said office in the county commission of said county; to provide for the disposition of fees accruing from the performance of the duties of license inspectors; and to provide for the employees to carry out this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Bedsole, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Coburn, Crow, Drinkard, Edwards, Gilmer, Greer, Grimsley, Hall, Harper (O), Harper (T), Harvey, Holmes, Kennedy, Laird, Langford, Letson, Manley, Moore, Nevett, Olive, Patton, Payne, Rains, Ray, Reed, Roberts, Sasser, Shavers, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 974. Relating to Lawrence County; providing for an additional allowance for election officials who work at polling places.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Crow, Drinkard, Edwards, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Holmes, Kennedy, Laird, Langford, Letson, Mitchell, Moore, Nevett, Olive, Patton, Payne, Rains, Ray, Reed, Sasser, Shavers, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—58

And the bill:

H. 975. Relating to Lawrence County; to authorize the county commission to hire an appraiser to conduct ad valorem tax appraisal work on behalf of the tax assessor's office.

Was taken up.

SUBSTITUTE OFFERED

Rep. Letson offered the following substitute to the bill, H. 975:

A BILL TO BE ENTITLED AN ACT

Relating to Lawrence County; to authorize the county commission to hire an appraiser to conduct ad valorem tax appraisal work on behalf of the tax assessor's office; and to authorize the expenditure of funds to carry out the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Lawrence County is hereby authorized and empowered to employ an appraiser or appraisers to conduct ad valorem tax appraisal work on behalf of the county tax assessor's office. The county commission may spend such funds out of the county general fund as is necessary to carry out the provisions of this act including any funds necessary to employ a mapper as needed to perform any functions related to the appraisals provided herein.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Crow, Dial, Drinkard, Edwards, Gafford, Greer, Grimsley, Hall, Harper (O), Harper (T), Harvey, Johnson (R. G.), Kennedy, Laird, Langford,

Letson, Mitchell, Moore, Patton, Payne, Ray, Reed, Roberts, Sasser, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—55

And the bill:

H. 975. Relating to Lawrence County; to authorize the county commission to hire an appraiser to conduct ad valorem tax appraisal work on behalf of the tax assessor's office; and to authorize the expenditure of funds to carry out the provisions of this act.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Crow, Drinkard, Edwards, Gafford, Gilmer, Greer, Grimsley, Hall, Harper (O), Harper (T), Harvey, Holmes, Kennedy, Laird, Langford, Letson, Mitchell, Moore, Olive, Patton, Ray, Reed, Roberts, Sasser, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—56

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Jackson the rules were suspended in order to take up out of order the bill, H. 550.

Yeas 16; Nays 0.

Yeas:

Reps.: Amari, Bennett, Biddle, Carothers, Gafford, Hilliard, Horn, Jackson, Moore, Nevett, Olive, Payne, Trammell, Waggoner, Whatley and Williams.

—16

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 550. To provide a supplemental salary for the Circuit Clerk serving the Tenth Judicial Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 19; Nays 0.

Yeas:

Reps.: Amari, Bennett, Biddle, Boles, Cheatwood, Gafford, Greer, Hilliard, Horn, Jackson, Moore, Nevett, Olive, Patton, Payne, Trammell, Turner, Waggoner and Whatley.

—19

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 890. Relating to the use of computer technology and equipment to enter, alphabetize, store, maintain, transmit electronically and generally prepare the various index records of the Probate Court of Mobile County as an alternative to the card or strip indexing system authorized by Act 460, 1957 Regular Session of the Alabama Legislature.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (G), Clark (W), Crow, Gafford, Gilmer, Greer, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holmes, Kennedy, Laird, Langford, McMillan, Moore, Nevett, Olive, Patton, Ray, Reed, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Willis and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 917. To provide that an idle speed zone for boats be established on a portion of Halls Mill Creek in Mobile County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Crow, Drinkard, Edwards, Gafford, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Hines, Kennedy, Laird, Langford, Letson, McKee, McMillan, Mitchell, Moore, Nevett, Olive, Patton, Ray, Reed, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—55

And the bill:

H. 983. To alter or rearrange the boundary lines of the Town of Creola, Mobile County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Bedsole, Bennett, Blake, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Horn, Kennedy, Laird, Langford, McKee, Mitchell, Moore, Naramore, Nevett, Olive, Patton, Pegues, Ray, Reed, Roberts, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—55

And the bill:

H. 991. To set a penalty of a one thousand dollar fine and a six month term in jail for any person convicted of unlawfully possessing a firearm in Mobile County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Albright, Bedsole, Blake, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Drinkard, Edwards, Gilmer, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Holmes, Kennedy, Laird, McKee, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Ray, Roberts, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Venable, Whatley, Williams, Willis, Wyatt and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 992. To authorize, provide for, and regulate the furnishing of office space and secretarial assistants to the legislative delegation in Mobile County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Albright, Bedsole, Bennett, Blake, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Edwards, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Kennedy, Laird, Langford, McKee, Naramore, Nevett, Olive, Owens, Payne, Pegues, Ray, Reed, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Ward, Whatley, Willis and Wyatt.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 997. (With Amendment): To apply to Mobile County and require only gas districts organized and incorporated by a municipality to pay interest on deposits paid by customers situated within the territory served by such gas district.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 997 on page 1, in the Title, on line 10, by striking the word district and inserting in lieu thereof the following: utility boards.

Further amend H. B. 997 on page 1, line 14, by striking the word districts and inserting in lieu thereof the following: utility boards.

Further amend H. B. 997 on page 1, line 17, by striking the word district and inserting in lieu thereof the following: utility boards.

Further amend H. B. 997 on page 1, line 26, by striking the word district and inserting in lieu thereof the following: utility boards.

Further amend H. B. 997 on page 1, Section 1, line 16, by striking the word deposist and inserting in lieu thereof the following: deposit.

Further amend H. B. 997 on page 1, Section 2, line 27, by striking the word thrity and inserting in lieu thereof the following: thirty.

Further amend H. B. 997 on page 1, Section 3, line 29, by striking the word delcared and inserting in lieu thereof the following: declared.

And the amendment was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Blake, Buskey, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Edwards, Greer, Grimsley, Hall, Hammett, Harper (O), Harvey, Hines, Holmes, Horn, Kennedy, Laird, Langford, McKee, McMillan, Manley, Narmore, Nevett, Olive, Patton, Pegues, Ray, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Harper (T) offered the following amendment to the bill, H. 997 as amended:

Amend H. B. 997 on page 1, line 14 by striking entire Section 1 and renumbering remaining sections accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Blake, Buskey, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Drinkard, Edwards, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holmes, Kennedy, Laird, Langford, McKee, McMillan, Manley, Nevett, Olive, Patton, Pegues, Ray, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 997. To apply to Mobile County and require only gas utility boards organized and incorporated by a municipality to pay interest on deposits paid by customers situated within the territory served by such gas district.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Blake, Buskey, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Kennedy, Laird, Langford, McKee, McMillan, Manley, Nevett, Olive, Patton, Payne, Ray, Shavers, Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 859. Relating to the Twenty-third Judicial Circuit consisting of Madison County; to provide for the parking of jurors and to provide for the assessment, collection and use of additional taxes as court costs and to further provide for the distribution of such taxes to defray the expense of juror and criminal witness parking.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Blake, Buskey, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Drinkard, Ford, Gilmer, Goodwin, Greer, Hall, Hammett, Harper (O), Harper (T), Harvey, Holmes, Kennedy, Laird, Langford, Manley, Naramore, Nevett, Olive, Owens, Patton, Payne, Ray, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Warren, Whatley, Williams, Willis and Wyatt.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 860. Pertaining to Madison County; to repeal Act Number 84, S. 62, Fourth Special Session 1975 (Acts. p. 2728).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Blake, Buskey, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Greer, Hall, Hammett, Harper (O), Holmes, Kennedy, McKee, Manley, Olive, Patton, Payne, Pegues, Ray, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Warren, Whatley, Williams, Willis and Wyatt.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 871. Relating to Madison County, Alabama; to amend Act No. 488, H. 706, Regular Session 1978 (Acts, p. 530) so as to provide that any person released from jail under Section 1 of Act 488 shall pay to the County a sum equal to 25% of his or her gross earnings earned while so released.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Reps.: Albright, Barton, Blake, Brakefield, Carothers, Carter, Cheatwood, Clark (W), Cosby, Crow, Drinkard, Edwards, Gilmer, Greer, Gregg, Hall, Hammett, Harper (O), Harvey, Kennedy, Laird, McKee, Manley, Nevett, Olive, Owens, Patton, Payne, Ray, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Whatley, Williams, Willis and Wyatt.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 911. To amend Act No. 1862, H. 2686, Regular Session 1971 (Acts, p. 3024), relating to all counties having population of not less than 175,000 nor more than 300,000, so as to authorize the Director of the County License Department created thereunder to charge and collect a fee not to exceed \$1.00 for each motor vehicle license tag issued by mail in addition to all other fees prescribed by law; and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 1.

Yeas:

Reps.: Albright, Barton, Blake, Brakefield, Buskey, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Drinkard, Goodwin, Greer, Gregg, Hammett, Harper (O), Kennedy, Laird, McKee, Manley, Mitchell, Nevett, Olive, Owens, Patton, Payne, Ray, Riddick, Roberts, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—43

Nay: Rep. Hall.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 988. To Amend Act Number 940, H. 1956, 1973, Regular Session (1973 Acts, p. 1445) entitled "An Act Relating to Madison County and the Twenty-third Judicial Circuit; pertaining to Solicitor's or District Attorney's Fund" so as to further regulate the distribution of such fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Blake, Brakefield, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Dial, Drinkard, Edwards, Goodwin, Greer, Gregg, Hall, Hammett, Harper (O), Holmes, Kennedy, Laird, McKee, Manley, Mitchell, Moore, Nevett, Olive, Patton, Payne, Pegues, Ray, Roberts, Sasser, Shoemaker, Smith (J), Stewart, Stout, Turner, Venable, Whatley, Willis and Wyatt.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 962. Relating to the City of Montgomery in Montgomery County; to authorize the City of Montgomery to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within such city, to be a public nuisance; to abate or cause to be abated the same; and, to create a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating same.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Reps.: Albright, Barton, Blake, Brakefield, Buskey, Campbell, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Dixon, Drinkard, Edwards, Greer, Grouby, Hall, Harper (O), Harvey, Holmes, Kennedy, Laird, Langford, McKee, Manley, Mitchell, Olive, Patton, Sasser, Smith (J), Starkey, Stewart, Turner, Ward, Warren, Whatley, Willis and Wyatt.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Jackson, the rules were suspended in order to take up out of order the bill, H. 654.

Yeas 15; Nays 0.

Yeas:

Reps.: Amari, Boles, Buskey, Clark (W), Hall, Hilliard, Horn, Jackson, Moore, Nevett, Payne, Trammell, Tucker, Waggoner and Whatley.

—15

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 654. (With Amendment): To fix the compensation or salary of the treasurer of any county having a population of 600,000 or more according to the last federal census or any subsequent federal census, and to provide for the payment thereof.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. B. 654, page 1, Section 2, line 11, by striking the words and figure

"Twenty-seven Thousand Five Hundred Dollars (\$27,500.00)" and inserting in lieu thereof the following: "Thirty Thousand Dollars (\$30,000.00)"

And the amendment was adopted.

Yeas 17; Nays 0.

Yeas:

Reps.: Amari, Bennett, Blake, Boles, Cheatwood, Hall, Harper (O), Hilliard, Horn, Moore, Nevett, Patton, Payne, Shoemaker, Trammell, Tucker and Waggoner.

—17

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CO-SPONSORS ADDED

Reps. Jackson and Tucker were added as co-sponsors to the bill, H. 654.

And the bill, H. 654 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 15; Nays 0.

Yeas:

Reps.: Amari, Bennett, Boles, Cheatwood, Hall, Hilliard, Horn, Jackson, Manley, Moore, Nevett, Payne, Trammell, Tucker and Waggoner.

—15

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Jackson to suspend the rules in order to take up out of order the bill, H. 413, was lost, lacking a four-fifths vote.

Yeas 7; Nays 3.

Yeas:

Reps.: Bennett, Boles, Cheatwood, Cosby, Jackson, Payne and Trammell.

—7

Nays: Reps.: Hilliard, Horn and Tucker.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 979. To regulate the registration and identification of certain mobile homes in Chambers County and to prescribe penalties for violation of the provisions of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 18; Nays 0.

Yeas:

Mr. Speaker, Barton, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Gilmer, Greer, Grimsley, Hall, Laird, McKee, Manley, Mitchell, Nevett, Ward and Whatley.

—18

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 986. Relating to the 8th Judicial Circuit; to provide an additional expense allowance to each court reporter.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 25; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Brakefield, Cabaniss, Carter, Cheatwood, Cosby, Crow, Greer, Harper (O), Holley, Manley, Mitchell, Moore, Naramore, Olive, Penry, Roberts, Shoemaker, Trammell, Venable, Ward and Willis.

—25

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 987. Relating to Morgan County; providing further for the salaries of the chairman and members of the county commission, effective after the present term.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 29; Nays 0.

Yeas:

Mr. Speaker, Bedsole, Blake, Brakefield, Cabaniss, Carter, Cheatwood, Cosby, Crow, Edwards, Gilmer, Greer, Hall, Harper (O), Johnson (R. G.), Manley, Mitchell, Moore, Naramore, Nevett, Olive, Penry, Rains, Roberts, Shoemaker, Venable, Ward, Willis and Wyatt.

—29

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 993. Relating to Morgan County; to amend Section 1 of Act No. 733, S. 811, Regular Session 1977 (Acts 1977, p. 1279) which regulates the compensation of the members of the county board of registrars, so as to provide further for such compensation.

Was taken up.

AMENDMENT OFFERED

Rep. Patton offered the following amendment to the bill, H. 993:

On line 17, strike the period and insert: , and to give this Act retroactive effect.

Starting on line 30, delete Section 2 in its entirety and insert in lieu thereof:

Section 2. This Act shall have a retroactive effect to October 1, 1979.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 37; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Blake, Brakefield, Cabaniss, Carter, Cheatwood, Cosby, Crow, Edwards, Gilmer, Goodwin, Greer, Grimsley, Hall,

Holmes, Laird, Langford, McKee, Minus, Mitchell, Moore, Naramore, Olive, Penry, Rains, Ray, Roberts, Sasser, Stewart, Trammell, Venable, Ward, Warren, Willis and Wyatt.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 993. Relating to Morgan County; to amend Section 1 of Act No. 733, S. 811, Regular Session 1977 (Acts 1977, p. 1279) which regulates the compensation of the members of the county board of registrars so as to provide further for such compensation, and to give this Act retroactive effect.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Bedsole, Brakefield, Cabaniss, Carter, Cheatwood, Cosby, Crow, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Hines, Holmes, Laird, Langford, Letson, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Patton, Penry, Rains, Ray, Roberts, Stewart, Trammell, Venable, Ward, Willis and Wyatt.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 994. Relating to Morgan County; to provide for the mailing addresses of the grantors and grantees to appear on all conveyances of real property recorded in the probate office of such county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Barton, Bennett, Blake, Brakefield, Cabaniss, Carter, Cheatwood, Cosby, Crow, Edwards, Ford, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Hines, Holmes, Laird, Langford, Letson, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Patton, Rains, Ray, Roberts, Stewart, Trammell, Venable, Ward, Warren, Willis and Wyatt.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

H. 384. To amend Sections 32-6-60, 32-6-61, and 32-6-65, Code of Alabama 1975, regarding the issuance of motor vehicle license plates, so as to extend the period of use of the present license tag, alter the distribution schedule, require machine prepared receipts, and to capture the color of the motor vehicle in state and county records.

Which was amended on the twenty-third legislative day, was taken up.

AMENDMENT OFFERED

Rep. Greer offered the following amendment to the bill, H. 384 as amended:

In the synopsis on page 1, line 19 after the comma insert: to exempt certain counties from the provisions of this law,

In the title, on page 1, on line 33 after the comma insert: to exempt certain counties from the provisions of this law

In Section 1, on page 2, after line 25 insert the following new paragraph.

Further provided that Lauderdale County, by a majority vote of the Lauderdale County Commission, may continue to sell tags from October 1 through November 15 in the same manner said tags are presently being sold.

AMENDMENT TABLED

On motion of Rep. Dial, the amendment offered by Rep. Greer to the bill, H. 384 as amended, was tabled.

Yeas 39; Nays 17.

Yeas:

Mr. Speaker, Barton, Blake, Bowling, Cabaniss, Cates, Clark (G), Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Ford, Gilmer, Grouby, Harper (O), Harvey, Hilliard, Hines, Holmes, Horn, Howard, Jackson, Manley, Minus, Moore, Naramore, Olive, Owens, Payne, Pegues, Sasser, Shoemaker, Tucker, Venable, Warren, Willis and Zoghby.

—39

Nays:

Reps.: Adams (C), Boles, Brakefield, Carter, Edwards, Goodwin, Greer, Hall, Johnson (Roy), Laird, Letson, Patton, Rains, Starkey, Trammell, Turner and Ward.

—17

AMENDMENT OFFERED

Rep. Roberts offered the following amendment to the bill, H. 384 as amended:

Amend substitute to House Bill 384, Section 1, Page 5, Line 19, after the figure \$5.00 by deleting \$50.00 and inserting in lieu thereof \$15.00.

Further amend the bill, Section 1, Page 5, Line 26, after the word "fee" and the period by adding the following: Persons renewing licenses twenty (20) days after the \$2.00 penalty fee time limit shall pay \$25.00. Persons renewing licenses after the \$25.00 penalty fee shall pay \$50.00.

And on line 34 strike \$75.00 and add \$25.00.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Blake, Bowling, Brakefield, Cabaniss, Carter, Cates, Clark (G), Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Harvey, Hines, Johnson (R. G.), Johnson (Roy), Laird, Letson, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Rains, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Ward, Warren, Williams, Willis and Zoghby.

—61

Nays: Reps.: Holley and Turner.

—2

And the bill:

H. 384. To amend Sections 32-6-60, 32-6-61, and 32-6-65, Code of Alabama 1975, regarding the issuance of motor vehicle license plates, so as to extend the period of use of the present license tag, alter the distribution schedule, require machine prepared receipts, provide a fine for driving without a current plate, to capture the color of the motor vehicle in state and county records, to exempt certain counties from the provisions of this law and to repeal in part Section 40-12-10, Code of Alabama 1975.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive,

Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Tucker, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—79

Nays: Reps.: Edwards, Hall, Letson and Wyatt.

—4

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 220. COMMENDING MR. GEORGE D. JUZANG, MANAGER OF THE MOBILE MUNICIPAL AUDITORIUM COMPLEX.

Also:

H. J. R. 222. COMMENDING JOSEPH T. CALLAWAY AND MARY LIB CALLAWAY FOR DONATING A FORTY FOOT YACHT TRAWLER TO THE MARINE ENVIRONMENTAL SCIENCES CONSORTIUM.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 117. Relating to Madison County; to provide alternative methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Also:

H. 241. To permit individuals, partnerships, banks, corporations and other legal entities to charge the same rate of interest or finance charge to the same extent and under the same circumstances and conditions as any federal or state chartered or licensed lending institution having its principal place of business in Alabama, subject to the same penalties as such lending institutions for excessive interest or finance charges; to provide that this Act clarifies existing law and is therefore retroactive, provided, however, that there shall be no change of interest rates on secured loans in existence as of the date of this Act.

Also:

H. 496. To make legislative findings regarding the need for the efficient collection and disposal of solid waste and the need to develop alternative energy sources by the recovery of energy from solid waste, as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this Act; to provide for and authorize the incorporation by any County or Municipality in the State of one or more public corporations and instrumentalities of the State, upon the filing of an application with, and the making of certain determinations by, the governing body of a County or Municipality; to provide for and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such County or Municipality; to provide for a board of directors of any such authority and the election and removal of the members thereof; to authorize any such authority to acquire, construct, own, lease, operate, or enter into contracts for the operation of, solid waste disposal facilities and resource recovery facilities, and to provide for the general powers to be exercised by any such authority and the conditions under which such powers may be exercised; to empower any such authority to acquire any facility for the recovery of energy from solid waste for lease or sale to any public entity or private person, firm or corporation; to empower any such authority to enter into long-term exclusive contracts for the sale of energy recovered from solid waste; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such authority to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any authority for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such authority; to provide that the notes, bonds or other obligations of any such authority shall not constitute or create a debt of the State or any County, Municipality or other political subdivision or agency thereof; to provide that the notes, bonds and all the other obligations of any such authority shall constitute negotiable instruments; to provide that the notes, bonds and other obligations of any such authority may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the State the property, corporate activities, revenues and income of such authority, such transaction or actions to which each such authority is a party or in which it may be involved, and the notes, bonds and all other obligations of each such authority and the income from such notes, bonds and obligations; to exempt any such authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt any such authority from all laws of the State requiring competitive bids for contracts to be entered into by Municipalities or public corporations; to provide for liberal construction of the provisions of this Act; to confer upon any authority organized under the provisions of this Act the power of eminent domain; to exempt any authority organized under the provisions of this Act from State supervision and control; to exempt each authority from laws permitting cancellation of contracts respecting collection and disposal of solid waste; to provide for the application and effect of Article 1 of Chapter 27 of Title 22 of the Code of Alabama of 1975, as heretofore amended; to provide that any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality may aid and

cooperate with any such authority, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any County, Municipality or other political subdivision, agency or instrumentality of the State or any County or Municipality to enter into contracts, for a term not exceeding forty-five (45) years, providing for the disposal of its solid waste and payments by such entity to the authority for such disposal, to provide that such contracts shall not constitute a debt of any County, Municipality or political subdivision, agency or instrumentality and to exempt such contracts from cancellation by any County, Municipality, the State or any State or County agency, including the State Department of Health and County Health Department; to provide that any such authority shall be a not-for-profit corporation; to provide that any such authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such authority, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

Also:

H. 751. To amend Section 2 and Section 10 of Act No. 79-787, H. 1057, of the 1979 Regular Session, which relate to an increase in sales tax for Cherokee County, so as to provide that one-half of the tax proceeds shall go to the county and one-half to the county board of education; to provide that the tax on retail sales of automotive vehicles, trucks, trailers, semi-trailers or house trailers, and on machinery or equipment used for agricultural purposes shall be one-fourth of one percent; and to make this Act retroactive.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 430. (With Substitute): To further provide for taxation relating to the sale of alcoholic beverages; to levy an additional state sales tax on the sale of alcoholic beverages sold at retail in Alcoholic Beverage Control Board stores; to provide that the revenues produced from the additional tax shall be collected by the Alcoholic Beverage Control Board and paid to the Department of Revenue for distribution in the same manner as are other such taxes; to allow the Department of Revenue to retain a reasonable sum for the cost of collection and redistribution of the net proceeds; to prescribe that all net

proceeds generated by this act shall be distributed to the municipalities in which the taxes are collected; to provide that the municipalities shall redistribute the additional tax proceeds on the same pro rata basis as are other such taxes; and to prohibit any municipality which receives proceeds pursuant to the provisions of this act from levying any additional taxes on the sale of alcoholic beverages which would be collected by the Alabama Alcoholic Beverage Control Board or its stores.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To further provide for taxation relating to the sale of alcoholic beverages; to levy an additional state sales tax on the sale of alcoholic beverages sold at retail by the Alcoholic Beverage Control Board or its stores; to provide that the revenues produced from the additional tax shall be collected by the Alcoholic Beverage Control Board and paid to the Department of Revenue for distribution in the manner as are other such taxes; to allow the Department of Revenue to retain a reasonable sum for the cost of collection and distribution of the net proceeds; to prescribe that the net proceeds generated by this act shall be distributed $\frac{2}{3}$ to the municipalities and $\frac{1}{3}$ to the counties in which the taxes are collected; to provide that the municipalities and counties shall redistribute the additional tax proceeds on the same pro rata basis as are other such taxes; to prohibit any municipality or county which receives proceeds pursuant to the provisions of this act from levying any additional taxes on the sale of alcoholic beverages which would be collected by the Alabama Alcoholic Beverage Control Board or its stores; and to repeal all local taxes, municipal or county, on the sale of alcoholic beverages sold by the Alabama Alcoholic Beverage Control Board or its stores.

Be It Enacted by the Legislature of Alabama:

SECTION 1. In addition to all other taxes levied and collected on the sale of any alcoholic beverages, there is hereby levied an additional state sales tax in the amount of three percent of the retail price, excluding taxes, on the sales of alcoholic beverages sold at retail by Alcoholic Beverage Control Board stores. Such tax shall be in addition to any and all other statewide taxes collected on sales.

SECTION 2. The sales tax levied herein shall be collected by the Alcoholic Beverage Control Board on its retail sales and shall be added to the sales price and collected from the purchaser. The Alcoholic Beverage Control Board shall collect the revenues generated by this act in the same manner as other taxes collected by it and shall pay same to the Department of Revenue. The Department of Revenue shall distribute the net proceeds therefrom, $\frac{2}{3}$ to the respective municipalities and $\frac{1}{3}$ to the respective counties in which the taxes are collected, proportionately to the sum collected therein, less any reasonable charges incurred by the department in handling and collecting such taxes; provided, however, such charges shall not exceed a sum equal to five percent (5%) of the amount collected. The Department of Revenue shall prepare and distribute such reports, forms and other information as may be necessary for the collection and distribution of such taxes.

SECTION 3. The commissioner of the Department of Revenue is authorized to promulgate all reasonable rules and regulations necessary to implement the provisions of this act.

SECTION 4. The municipalities and counties shall redistribute the additional tax proceeds, generated by the provisions of this act, in the same manner and on the same pro rata basis as are other tax revenues collected from the sale of alcoholic beverages within the municipality and county. Alcoholic Beverage Control Board stores located within the Police Jurisdiction of a municipality shall be considered to be located within the municipality for purposes of this act.

SECTION 5. The tax herein levied by this Act is exclusive and shall be in lieu of all other or additional local taxes, county or municipal, imposed on the sale of alcoholic beverages by the Alabama Alcoholic Beverage Control Board or its stores. No other local tax of any type, whether county or municipal, may be levied on alcoholic beverages sold by the Alcoholic Beverage Control Board or its stores. Any other tax levied on the sale of alcoholic beverages sold by the Alcoholic Beverage Control Board or its stores must be statewide in its application.

SECTION 6. All laws or parts of law which conflict with or are inconsistent with this Act are hereby repealed. All local taxes of any type, whether county or municipal, heretofore levied on alcoholic beverages sold by the Alcoholic Beverage Control Board or its stores are hereby repealed. Provided, however, nothing herein contained shall be construed to relieve the board from any tax liability incurred thereunder or under any local tax, county or municipal, hereby repealed, nor be construed to repeal any provision of law respecting the enforcement of any such liability incurred.

SECTION 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. The taxes to be collected by the Alcoholic Beverage Control Board under this act shall begin with the next regular price change by the Alcoholic Beverage Control Board which occurs at least 60 days after this act becomes law.

And the substitute was adopted.

Yeas 53; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Blake, Bowling, Cabaniss, Carothers, Carter, Clark (G), Coburn, Cooley, Drinkard, Edwards, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Harper (O), Harvey, Hilliard, Hines, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Pegues, Penry, Rains, Sasser, Starkey, Stewart, Tucker, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—53

Nay: Rep. Wyatt.

—1

MOTION TO TABLE LOST

The motion offered by Rep. Owens to table the motion offered by Rep. Carothers to postpone further consideration of the bill, H. 430 as amended, to the twenty-fifth legislative day, was lost.

Yeas 28; Nays 42.

Yeas:

Mr. Speaker, Adams (C), Campbell, Carter, Drinkard, Edwards, Gregg, Grouby, Holmes, Johnson (Roy), Kelley, Laird, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Owens, Pegues, Penry, Sasser, Smith (J), Turner, Venable, Ward, Warren and Whatley.

—28

Nays:

Reps.: Albright, Amari, Bedsole, Bennett, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Daniels, Dixon, Ford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (T), Holley, Horn, Johnson (R. G.), Kennedy, Langford, Letson, Moore, Nevett, Patton, Payne, Roberts, Smith (M), Stewart, Stout, Trammell, Tucker, Waggoner, Williams, Wyatt and Zoghby.

—42

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 730. Relating to Washington County; prohibiting the hunting of unantlered deer.

Also:

H. 753. To provide for a certain increase in court costs in the Washington County division of the First Judicial Circuit of this state with the proceeds to be used for an increase in the salaries and retirement of full-time deputies and jailers.

Also:

H. 834. To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Coosa County shall have or exercise police jurisdiction within Coosa County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Coosa County or over or on any person in Coosa County or property or business or trade or profession in Coosa County; nor shall any such municipality levy, fix or collect any license or fee of any kind in Coosa County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violating thereof have force or effect in Coosa County.

Also:

H. 910. Relating to Morgan County; amending Act 742, 1978 Regular Session (Acts of 1978, p. 1081), which levies a county gross sales tax, so as to provide for a lower tax rate for certain gross sales of agriculture equipment,

motor vehicles and mining equipment, and to clarify the provisions thereof relative to the distribution of the tax so that a part of the tax will be paid to certain municipalities in the county.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 225. EXTENDING THE JOINT INTERIM COMMITTEE TO STUDY SALARIES AND RELATED MATTERS CREATED BY ACT NO. 79-76, H. J. R. 61, OF THE 1979 REGULAR SESSION.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 465. Relating to Madison County; to give the County Commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, persons, firms or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or sales of materials to churches, individuals, firms or corporations.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Smith, McDonald, and Lemaster.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 230. To amend Code of Alabama 1975, §§ 16-24-31 to provide for the appointment of a representative of the city and county boards of education to the State Tenure Commission by the President of the Alabama Association of School Boards.

Also:

H. 319. To amend and reenact Act No. 87, S. 40, 1971, Third Special Session, (Acts of 1971, p. 4299, now appearing in Code of Alabama, Recompiled 1975, Title 16-46-1 through 16-46-10), known as the Alabama Private School License Law, relating to the regulation of certain schools and courses

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of instruction publicized, sold, offered for sale, and administered to residents of this state; so as to provide for effective and realistic regulation of such schools and courses of instruction.

McDOWELL LEE,
Secretary.

H.430 RESUMED

The question was again on the motion offered by Rep. Carothers to postpone further consideration of the bill, H. 430 as amended, to the twenty-fifth legislative day.

SUBSTITUTE MOTION ADOPTED

Rep. Clark (G) offered the substitute motion to indefinitely postpone the bill, H. 430 as amended, and the substitute motion was adopted.

Yeas 50; Nays 26.

Yeas:

Mr. Speaker, Albright, Bedsole, Brakefield, Cabaniss, Carothers, Cates, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Dixon, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Holley, Holmes, Horn, Kennedy, Langford, Letson, Manley, Minus, Naramore, Nevett, Olive, Owens, Payne, Penry, Ray, Reed, Roberts, Shoemaker, Smith (J), Smith (M), Starkey, Tucker, Turner, Venable, Williams, Willis and Zoghby.

—50

Nays:

Rep.: Adams (C), Amari, Barton, Blake, Boles, Campbell, Carter, Cheatwood, Drinkard, Ford, Gregg, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Mitchell, Moore, Pegues, Sasser, Stewart, Waggoner, Ward, Warren, Whately and Wyatt.

—26

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side by which the bill, H. 430, was indefinitely postponed, Rep. Greer offered the motion to reconsider the vote by which the bill, H. 430, was indefinitely postponed, and moved to lay the motion on the table.

Yeas 45; Nays 30.

Yeas:

Mr. Speaker, Biddle, Blake, Cabaniss, Carothers, Cheatwood, Clark (G), Coburn, Crow, Daniels, Dial, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, McMillan, Mitchell, Naramore, Nevett, Owens, Patton, Payne, Penry, Ray, Reed, Roberts, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Stout, Tucker, Turner and Willis.

—45

Nays:

Reps.: Adams (C), Barton, Bedsole, Boles, Brakefield, Campbell, Carter, Clark (W), Cosby, Dixon, Drinkard, Edwards, Ford, Gilmer, Hall, Harper (T), Harrison, Horn, Kennedy, Manley, Minus, Pegues, Stewart, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—30

And the bill:

H. 85. (With Amendment): To raise revenue by levying a privilege or excise tax, in addition to all taxes and licenses now imposed by law, on every person licensed under the provisions of Title 28 of the Code of Alabama 1975, as amended, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax and to provide that such additional taxes shall terminate on September 30, 1981.

Was taken up.

SUBSTITUTE OFFERED

Rep. Manley offered the following substitute to the bill, H. 85 with pending amendment reported by the Standing Committee On Ways and Means:

A BILL TO BE ENTITLED AN ACT

To raise revenue by levying a privilege or excise tax, in addition to all taxes and licenses now imposed by law, on every person licensed under the provisions of Title 28 of the Code of Alabama 1975, as amended, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax and to provide that such additional taxes shall become effective July 1, 1980.

Be It Enacted by the Legislature of Alabama:

Section 1. The words and phrases "person," "malt or brewed beverages," "sale" and "sell," wherever used in this Act, shall have the meanings respectively ascribed to them in Title 28 of the Code of Alabama 1975.

Section 2. In addition to all other taxes now imposed by law, and in addition to the licenses provided for by Title 28, Code of Alabama 1975, as amended, there is hereby levied a privilege or excise tax on every person licensed under the provisions of Title 28, Code of Alabama 1975, who sells, stores or receives for the purpose of distribution to any person, firm, corporation, club, or association within the state of Alabama any malt or brewed beverages. The tax levied hereby shall be measured by and graduated in accordance with the volume of sales by such person of malt or brewed beverages, and shall be an amount equal to two cents (.02¢) for each twelve fluid ounces or fractional part thereof. All revenues shall be earmarked to the state treasury to be credited to the state general fund.

Section 3. The tax hereby levied shall be collected by the Alcoholic Beverage Control Board in the same manner as other taxes and license fees are collected by it.

The tax shall be added to the sales price of all malt or brewed beverages sold, and shall be collected from the purchasers. It shall be unlawful for any person, firm, corporation, club or association who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from the purchaser the required amount of tax, it being the intent and purpose of this provision that the tax levied is in fact a levy on the consumer, with the person, firm, corporation, club or association who pays the tax in the first instance acting merely as an agent for the state for the collection and payment of the tax.

Section 4. After payment of the administrative cost of this Act, the proceeds of the taxes levied herein shall be paid into the state treasury to be credited to the state general fund.

Section 5. All laws or parts of laws which conflict with the provisions of this Act are hereby expressly repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective on July 1, 1980.

SUBSTITUTE TABLED

On motion of Rep. Waggoner, the substitute offered by Rep. Manley to the bill, H. 85, was tabled.

Yeas 43; Nays 41.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Cosby, Dixon, Drinkard, Ford, Greer, Hall, Hammett, Harper (T), Harvey, Hilliard, Hines, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, McMillan, Minus, Mitchell, Moore, Payne, Pegues, Penry, Roberts, Smith (M), Stewart, Trammell, Tucker, Waggoner and Zoghby.

—43

Nays:

Mr. Speaker, Brakefield, Carter, Cates, Cobb, Cooley, Crow, Dial, Edwards, Gafford, Gregg, Grimsley, Grouby, Harper (O), Holley, Holmes, Kelley, Laird, Letson, McKee, Manley, Naramore, Nevett, Olive, Owens, Rains, Ray, Reed, Riddick, Sasser, Shoemaker, Starkey, Stout, Turner, Turnham, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—41

H. 85 INDEFINITELY POSTPONED

On motion of Rep. Waggoner the bill, H. 85, was indefinitely postponed.

Yeas 45; Nays 40.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Cosby, Crow, Dial, Dixon, Drinkard, Ford, Gafford, Gregg, Hall, Hammett, Harper (T), Hilliard,

Hines, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, McMillan, Minus, Mitchell, Moore, Payne, Penry, Ray, Roberts, Smith (M), Stewart, Trammell, Tucker, Waggoner, Whatley and Zoghby.

—45

Nays:

Mr. Speaker, Bowling, Brakefield, Carter, Cates, Cobb, Coburn, Cooley, Daniels, Edwards, Goodwin, Grimsley, Grouby, Harper (O), Holley, Holmes, Kelley, Laird, Langford, Letson, McKee, Manley, Naramore, Nevett, Olive, Owens, Patton, Pegues, Rains, Reed, Sasser, Shoemaker, Starkey, Turner, Turnham, Venable, Ward, Warren, Willis and Wyatt.

—40

MOTION TO RECONSIDER AND TABLE LOST

Having voted on the prevailing side, Rep. Waggoner offered the motion to reconsider the vote by which the bill, H. 85, was indefinitely postponed and to lay that motion on the table, and the motion to lay on the table was lost.

Yeas 42; Nays 45.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Cosby, Dixon, Drinkard, Ford, Gafford, Hall, Hammett, Harper (T), Harrison, Hilliard, Hines, Horn, Johnson (Roy), Kennedy, McMillan, Minus, Mitchell, Moore, Payne, Penry, Ray, Roberts, Smith (M), Stewart, Trammell, Tucker, Waggoner and Zoghby.

—42

Nays:

Mr. Speaker, Boles, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Daniels, Edwards, Goodwin, Greer, Gregg, Grimsley, Grouby, Harper (O), Holmes, Kelley, Laird, Langford, Letson, McKee, Manley, Naramore, Nevett, Olive, Owens, Patton, Pegues, Rains, Sasser, Shoemaker, Smith (C), Starkey, Stout, Turner, Turnham, Venable, Ward, Warren, Williams, Willis and Wyatt.

—45

MOTION TO RECONSIDER LOST

The question was then on the motion offered by Rep. Waggoner to reconsider the vote by which the bill, H. 85, was indefinitely postponed, and the motion to reconsider was lost.

Yeas 45; Nays 48.

Yeas:

Mr. Speaker, Bowling, Brakefield, Carter, Cates, Cobb, Coburn, Cooley, Daniels, Edwards, Goodwin, Greer, Grimsley, Grouby, Harper (O), Holley, Holmes, Kelley, Laird, Langford, Letson, McKee, Manley, Naramore, Nevett, Olive, Owens, Patton, Pegues, Rains, Reed, Sasser, Shavers, Shoemaker, Smith (C), Starkey, Stout, Turner, Turnham, Venable, Ward, Warren, Williams, Willis and Wyatt.

—45

Nays:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Cosby, Crow, Dixon, Drinkard, Ford, Gafford, Gregg, Hall, Hammett, Harper (T), Harrison, Hilliard, Hines, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, McMillan, Minus, Mitchell, Moore, Payne, Penry, Ray, Roberts, Smith (M), Stewart, Trammell, Tucker, Waggoner, Whatley and Zoghby.

—48

And the bill:

H. 833. Relating to Mobile County; prohibiting the hunting of unantlered deer.

Was taken up.

AMENDMENT OFFERED

Rep. Turner offered the following amendment to the bill, H. 833:

Amend Section 1, Line 19, by adding the following after the last sentence thereof:

In the case that the Conservation Department deems it necessary that individual property may be damaged due to overpopulation or health reasons of the deer, the Conservation Department may open the unantlered deer season. As far as bow hunting is concerned, the unantlered season shall be left up to the Conservation Department.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 23; Nays 0.

Yeas:

Mr. Speaker, Bennett, Boles, Buskey, Cheatwood, Clark (W), Drinkard, Ford, Gilmer, Greer, Harper (O), Horn, Kennedy, Mitchell, Olive, Pegues, Shavers, Smith (C), Stewart, Trammell, Turner, Willis and Zoghby.

—23

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 833 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 24; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bennett, Buskey, Cheatwood, Clark (W), Daniels, Drinkard, Ford, Gilmer, Greer, Harper (T), Kennedy, Minus, Mitchell, Olive, Shoemaker, Stewart, Trammell, Turner, Warren, Willis and Wyatt.

—24

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 440. (With Substitute) (With Amendment): To be known as the Alcoholic Beverage Licensing Code; to further regulate and control alcoholic beverage transactions in wet counties in Alabama under the supervision of the alcoholic beverage control board; to authorize the board to license others to engage in alcoholic beverage transactions in accordance with the provisions of this Code; to provide for application for, and the issuance and renewal of, and regulation of the grant of licenses; to authorize the sale of alcoholic beverages by the licensees of the board; to impose, levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, import, wholesale or retail sale of alcoholic beverages; to prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws relating to manufacturer, sale, possession or transportation of alcoholic beverages and of regulations of the board; to proscribe unlawful acts and offenses and to provide for punishment therefor; and to repeal laws or parts of laws in conflict herewith.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To be known as the Alcoholic Beverage Licensing Code; to further regulate and control alcoholic beverage transactions in wet counties in Alabama under the control and supervision of the alcoholic beverage control board; to authorize the board to license others to engage in alcoholic beverage transactions in accordance with the provisions of this Code; to provide for application for, and the issuance and renewal of, and regulation of the grant of licenses; to authorize the sale of alcoholic beverages by the licensees of the board; to impose, levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, import, wholesale or retail sale of alcoholic beverages; to prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws relating to manufacture, sale, possession or transportation of alcoholic beverages and of regulations of the board; to proscribe unlawful acts and offenses and to provide for punishment therefor; and to repeal laws or parts of laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Short Title.—This Act shall be known and may be cited as "Alcoholic Beverage Licensing Code."

SECTION 2. Definitions.—The following words or phrases, whenever they appear in this Code, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section:

(a) **ALCOHOLIC BEVERAGES.** Any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one-half of one percent or more of alcohol by volume, and shall include liquor, beer, and wine, both fortified and table wine.

(b) **ASSOCIATION.** A partnership, limited partnership, or any form of unincorporated enterprise owned by two or more persons.

(c) **BEER.** Any beer, lager beer, ale, porter, malt or brewed beverage or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume and not in excess of four percent alcohol by weight and five percent by volume, by whatever name the same may be called.

(d) **BOARD.** The Alcoholic Beverage Control Board.

(e) **CARTON.**—The package of container or containers in which alcoholic beverages are originally packaged for shipment to market by the manufacturer or its designated representatives or the importer. **CONTAINER.**—The single bottle, can, keg, bag or other receptacle, not a carton, in which alcoholic beverages are originally packaged for the market by the manufacturer or importer and from which the alcoholic beverage is consumed by or dispensed to the public.

(f) **CLUB.** A corporation or association organized or formed in good faith by authority of law and which must have at least 150 paid-up members. It must be the owner, lessee or occupant of an establishment operated solely for the objects of a national, social, patriotic, political or athletic nature or the like, but not for pecuniary gain, and the property as well as the advantages of which belong to all the members and which maintains an establishment provided with special space and accommodations where, in consideration of payment, food with or without lodging is habitually served. The club shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation and ballot and charge and collect dues from elected members.

(g) **CORPORATION.** A corporation or joint stock association organized under the laws of this state, the United States, or any other state, territory or foreign country, or dependency.

(h) **DRY COUNTY.** Any county which by a majority of those voting voted in the negative in an election heretofore held under the applicable statutes at the time of said election or may hereafter vote in the negative in an election or special method referendum hereafter held in accordance with the provisions of Chapter 2 of the Code of Alabama 1975 or held in accordance with the provisions of any act hereafter enacted permitting such election.

(i) **DRY MUNICIPALITY.** Any municipality within a wet county which has, by its governing body or by a majority of those voting in a municipal election heretofore held in accordance with the provisions of § 28-2-22, Code of Alabama 1975, or in a municipal option election heretofore or hereafter held in accordance with the provisions of any act heretofore or hereafter enacted permitting municipal option election, voted to exclude the sale of alcoholic beverages within the corporate limits of said municipality.

(j) **GENERAL WELFARE PURPOSES.** (1) The administration of public assistance as set out in §§ 38-2-5 and 38-4-1, Code of Alabama 1975; (2) services, including supplementation and supplementary services under the

Federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said §§ 38-2-5 and 38-4-1, Code of Alabama 1975; (3) service to and on behalf of dependent, neglected or delinquent children; and (4) investigative and referral services to and on behalf of needy persons.

(k) **HEARING COMMISSION.** A body appointed by the board to hear and decide all contested license applications and all disciplinary charges against any licensee for violation of this Act or the regulations of the board.

(l) **HOTEL.**—A building or buildings held out to the public for housing accommodations of travelers or transients, and shall include motel, but shall not include a rooming house or boarding house.

(m) **IMPORTER.**—Any person, association or corporation engaged in importing alcoholic beverages, liquor, wine or beer, manufactured outside of the United States of America into this state or for sale or distribution in this state, or to the board or to a licensee of the board.

(n) **LIQUOR.** Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, fermented, vinous or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one-half of one percent or more of alcohol by volume, except beer.

(o) **LIQUOR STORE.** A liquor store operated by the board, where alcoholic beverages other than beer are authorized to be sold in unopened containers.

(p) **MANUFACTURER.** Any person, association or corporation engaged in the producing, bottling, manufacturing, distilling, rectifying or compounding of alcoholic beverages, liquor, beer or wine in this state or for sale or distribution in this state or to the board or to a licensee of the board.

(q) **MINOR.** Any person under nineteen years of age.

(r) **MUNICIPALITY.** Any incorporated city or town of this state.

(s) **PERSON.** Every natural person, association or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment, or both, such term as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof, except as to incorporated clubs the term "person" shall mean such individual or individuals who, under the bylaws of such clubs, shall have jurisdiction over the possession and sale of liquor therein.

(t) **POPULATION.** The population according to the last preceding or any subsequent decennial census of the United States, except where a municipality is incorporated subsequent to the last census, in which event, its population until the next decennial census shall be the population of said municipality as determined by the judge of probate of said county as the official population on the date of its incorporation.

(u) **RESTAURANT.** A reputable place licensed as a restaurant, operated by a responsible person of good reputation and habitually and principally used for the purpose of preparing and serving meals for the public to consume on the premises. **MEAL.** A diversified selection of food some of which is not susceptible of being consumed in the absence of at least some articles of tableware and which cannot be conveniently consumed while one is standing or walking about.

(v) **RETAILER.** Any person licensed by the board to engage in the retail sale of any alcoholic beverages to the consumer.

(w) **SALE or SELL.** Any transfer or liquor, wine or beer for a consideration, and any gift in connection with, or as a part of, a transfer of property other than liquor, wine or beer for a consideration.

(x) **UNOPENED CONTAINER.** A container containing alcoholic beverages, which has not been opened or unsealed subsequent to filling and sealing by the manufacturer or importer.

(y) **WET COUNTY.** Any county which by a majority of those voting voted in the affirmative in an election heretofore held in accordance with the statutes applicable at the time of said election or may hereafter vote in the affirmative in an election or special method referendum held in accordance with the provisions of Chapter 2 of Title 28, Code of Alabama 1975 or other statutes applicable at the time of said election.

(z) **WET MUNICIPALITY.** Any municipality in a dry county which by a majority of those voting voted in the affirmative in a municipal option election heretofore or hereafter held in accordance with the provisions of any act heretofore, now or hereafter enacted permitting municipal option election, or which became wet under the special method referendum provisions of § 28-2-22, Code of Alabama 1975 or of this Act where the county has become dry subsequent to the wet status of the municipality.

(aa) **WHOLESALER.** Any person licensed by the board to engage in the sale and distribution of table wine and beer, or either of them, within this state, at wholesale only, to be sold by export or to retail licensees or other wholesale licensees or others within this state lawfully authorized to sell table wine and beer, or either of them, for the purpose of resale only.

(ab) **WINE.** All beverages made from the fermentation of fruits, berries, or grapes, with or without added spirits, and produced in accordance with the laws and regulations of the United States, containing not more than twenty-four (24) percent alcohol by volume, and shall include all sparkling wines, carbonated wine, special natural wines, rectified wines, vermouths, vinous beverages, vinous liquors, and like products. **FORTIFIED WINE.** Any wine containing more than fourteen (14) percent alcohol by volume but not more than twenty-four (24) percent. **TABLE WINE.** Any wine containing not more than fourteen (14) percent alcohol by volume.

SECTION 3. Licenses to engage in alcoholic beverage transactions.—Subject to the provisions of this Code and regulations promulgated thereunder, the board is authorized and empowered to issue and renew licenses to reputable and responsible persons for the following purposes:

(a) To manufacture, brew, distill, ferment, rectify, bottle or compound any or all alcoholic beverages within or for sale within this state.

(b) To import any or all alcoholic beverages manufactured outside the United States of America into this state or for sale or distribution within this state.

(c) To distribute, wholesale or act as jobber for the sale of alcoholic liquor.

(d) To distribute, wholesale or act as jobber for the sale of table wine and beer or either of them, to licensed retailers within the state and others within this state lawfully authorized to sell table wine or beer.

(e) To store or warehouse any or all alcoholic beverages for transshipment inside and outside the state.

(f) To sell and dispense at retail in a lounge, liquor and other alcoholic beverages.

(g) To sell and dispense at retail in an establishment habitually and principally used for the purpose of providing meals for the public, liquor and other alcoholic beverages for on-premises consumption.

(h) To sell liquor and wine at retail for off-premises consumption.

(i) To sell and dispense at retail in a club, liquor and other alcoholic beverages for on-premises consumption.

(j) To sell table wine at retail for off-premises consumption.

(k) To sell table wine at retail for on-premises and off-premises consumption.

(l) To sell beer at retail for on-premises and off-premises consumption.

(m) To sell beer at retail for off-premises consumption.

(n) To sell liquor and other alcoholic beverages at retail by retail common carrier with a passenger capacity of at least 10 people.

(o) To sell any or all alcoholic beverages at retail under special license issued conditioned upon terms and conditions and for the period of time prescribed by the board.

(p) To sell any or all alcoholic beverages at retail under a special event retail license issued for three days upon the terms and conditions prescribed by the board.

Provided, however, that such licenses may not be issued in dry counties where traffic in alcoholic beverages is not authorized by law, but may be issued in wet municipalities therein. Provided the restriction of this paragraph shall not apply to the issuance of a license under subsection (a) where the county is wet when the initial manufacturer's license was issued and the county subsequently votes dry.

The board is granted broad discretionary powers in acting upon license applications under the provisions of this Code.

Licenses issued under this Code shall, unless revoked or suspended in the manner provided in this Code, be valid for the license year which shall begin on the 1st day of October of each year, unless otherwise established by this Code or by the board. Licenses may be issued at any time during the year.

SECTION 4. License application.—Every applicant for an original license issued under this Code shall file a written application with the board in such form and containing such information as the board may prescribe, which shall be accompanied by a non-refundable filing fee of \$50.00, and by the appropriate license fee as prescribed by this Code, together with the amount or amounts of the prescribed license fee or fees, if any, levied or imposed by the county governing body.

SECTION 5. Issuance and Renewal.—Upon receipt of the application, the proper fees, the bond if required, and upon being satisfied of the truth of the statements in the application and that the applicant is a person of good repute, the board shall grant and issue to applicant the appropriate license

entitling the applicant to engage in the alcoholic beverage transactions authorized by such license as set forth in this Code. All applications for licenses and accompanying statements shall be kept in the office of the board for a period of three years and shall be open for public inspection.

Licenses issued under the provisions of this Code shall be renewed annually upon the filing of applications, in such form as the board shall prescribe, at least sixty days before the expiration and upon payment to the board of the appropriate license fees, unless the board has good cause for not renewing or reissuing the license. Unless within one month prior to the scheduled date of expiration of such licenses the applicant shall have been notified by the board of objections to the granting thereof signed by persons authorized to do so, and upon payment of the required fees, the board shall issue such renewal of licenses.

Licenses shall become due and payable on or before October first of each year or on the date established by this Code or the board for the ensuing year, and shall be delinquent if not secured each year by October twentieth or the twentieth day of the first month of the license year established by this Code or the board. If the license is not secured by October twentieth or by the twentieth day of the first month of the license year established by this Code or by the board, such person or firm failing or refusing to file application and obtain said license, as provided in this Act, while continuing to enjoy the privilege allowed under said license, shall be subject to a penalty of fifty percent of the state and county licenses and filing fees, which penalty must be collected at the time of issuance of license or permit, and shall be paid into the license fund of the board. Unless previously revoked, every license issued by the board under this Code shall expire, and terminate on the thirtieth day of September in the year or on the last day of the month ending the license year established by this Code or by the board for which the license is issued.

No license shall be issued or renewed by the board until the filing and license fees fixed by this Code shall have been paid to the board; provided no filing fee is required for renewal.

SECTION 6. Manufacturer License.—Upon applicant's compliance with the provisions of this Code and the regulations made thereunder, the board shall issue to applicant a manufacturer license which shall authorize the licensee to manufacture or otherwise distill, produce, ferment, brew, bottle, rectify or compound alcoholic beverages within this state or for sale or distribution within this state. No person shall manufacture or otherwise distill, produce, ferment, brew, bottle, rectify or compound alcoholic beverages within this state or for sale or distribution within this state or to the state, the board, or any licensee of the board, unless such person or his authorized representative shall be granted a manufacturer license issued by the board.

No manufacturer licensee shall sell any alcoholic beverages direct to any retailer or for consumption on the premises where sold, nor sell or deliver any such alcoholic beverages in other than original containers approved as to capacity by the board and in accordance with standards of fill prescribed by the U. S. Treasury Department, nor maintain or operate within the state any place or places, other than the place or places covered by the manufacturer license, where alcoholic beverages are sold or where orders are taken.

Each manufacturer licensee shall be required to file with the board, prior to making any sales in Alabama a list of its labels to be sold in Alabama and shall file with the board its Federal Certificate of label approvals or its certificates of exemption as required by the U. S. Treasury Department. All liquors and wines whose labels have not been registered as herein provided for shall be considered contraband and may be seized by the board or its agents, or any peace officer of the State of Alabama without a warrant and said goods shall be delivered to the board and disposed of as provided by law.

All such manufacturer licensees shall be required to mail to the board prior to the twentieth day of each month a consolidated report of all shipments of beer and table wine made to each wholesaler during the preceding month. Such reports shall be in such form and containing such information as the board may prescribe.

Every manufacturer shall keep at his or its principal place of business within the state, daily permanent records which shall show the quantities of raw materials received and used in the manufacture of alcoholic beverages, and the quantities of alcoholic beverages manufactured and stored, the sale of alcoholic beverages, the quantities of alcoholic beverages stored for hire or transported for hire by or for the licensee and the names and addresses of the purchasers or other recipients thereof. Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board at any and all times of the day or night as they may deem necessary, for the detection of violations of this Code, of any law, or of the rules and regulations of the board, or for the purpose of ascertaining the correctness of the records required to be kept by the licensees. The books and records of such licensees shall, at all times, be open to inspection by members of the board, or by persons duly authorized and designated by the board. Members of the board and its duly authorized agents shall have the right, without hindrance, to enter any place which is subject to inspection hereunder, or any place where such records are kept for the purpose of making such inspections and making transcripts thereof.

Licenses issued under this section shall, unless revoked in the manner provided in this Code, be valid for the license year commencing January 1 of each year.

SECTION 7. Importer License.—Upon applicant's compliance with the provisions of this Code and the regulations made thereunder, the board shall issue to applicant an importer license which shall authorize the licensee to import alcoholic beverages manufactured outside the United States of America into this state or for sale or distribution within this state of liquor and wine to the board or the state, and table wine and beer to wholesaler licensees of the board. No person shall import alcoholic beverages manufactured outside the United States into this state or for sale or distribution within this state or to the state, the board or any licensee of the board, unless such person shall be granted an importer license issued by the board.

An importer licensee shall not sell any alcoholic beverages for consumption on the premises where sold; nor, unless issued a wholesale license, sell or deliver to any retailer; nor deliver any such alcoholic beverages in other than original containers approved as to capacity by the board, and in accordance with standards of fill prescribed by the U. S. Treasury Department; nor maintain or operate within the state any place or places, other than the place or places covered by his or its importer license, where alcoholic beverages are sold or where orders are taken.

Each importer licensee shall be required to file with the board, prior to making any sales in Alabama, a list of its labels to be sold in Alabama and shall file with the board its Federal Certificate of label approvals or its certificates of exemption as required by the U. S. Treasury Department. All liquors and wines whose labels have not been registered as herein provided for shall be considered contraband and may be seized by the board or its agents, or any peace officers of the State of Alabama, without a warrant and said good shall be delivered to the board and disposed of as provided by law.

All such importer licensees shall be required to mail to the board prior to the twentieth day of each month a consolidated report of all shipments of beer and table wine made to each wholesaler during the preceding month and of all shipments of alcoholic beverages received during the preceding month. Such reports shall be in such form and containing such information as the board may prescribe.

The books and records of such licensee shall, at all times, be open to inspection by members of the board, or by persons duly authorized and designated by the board. Members of the board and its duly authorized agents shall have the right, without hindrance, to enter any place which is subject to inspection hereunder, or any place where such records are kept for the purpose of making such inspections and making transcripts thereof,

Licenses issued under this section shall, unless revoked or suspended in the manner provided in this Act, be valid for the license year commencing January 1 of each year.

SECTION 8. Liquor Wholesaler License.—Upon applicant's compliance with the provisions of this Code and the regulations made thereunder, the board shall issue to applicant a liquor wholesale license which shall authorize the licensee to import and receive shipments of liquor or wine from outside the state from licensed manufacturers and to sell at wholesale or distribute liquor or wine to the board or as authorized by the board. Sales shall be in original packages or containers as prepared for the market by the manufacturer or bottler. No person shall sell at wholesale or distribute liquor or wine within this state to the board or as authorized by the board unless such person shall be issued a liquor wholesale license by the board.

SECTION 9. Wholesaler License.—Upon applicant's compliance with the provisions of this Code and the regulations made thereunder, the board shall issue to applicant a wholesale license which shall authorize the licensee to import and receive shipments of beer and table wine from outside the state from licensed manufacturers, to purchase beer and table wine from licensed manufacturers or other licensed wholesalers within the state and to sell at wholesale or distribute beer and table wine to all licensees or others within this state lawfully authorized to sell beer and wine within said state, and to export beer and wine from the state. Sales to all authorized persons shall be in original packages or containers as prepared for the market by the manufacturer or bottler. No person shall sell at wholesale or distribute beer or table wine within this state or to licensees of the board unless such person shall be issued a wholesale license by the board.

SECTION 10. Warehouse License.—Upon applicant's compliance with the provisions of this Code and the regulations made thereunder, the board shall issue to applicant a warehouse license which will authorize the licensee to receive, store or warehouse alcoholic beverages within the state for trans-shipment inside and outside the state. No person other than a manufacturer or wholesaler licensee shall receive, store or warehouse alcoholic beverages within the state for trans-shipment inside and outside the state without first obtaining a warehouse license from the board.

SECTION 11. Lounge Retail Liquor License.—Upon applicant's compliance with the provisions of this Code and the regulations made thereunder, the board shall, where the application is accompanied by a certificate from the clerk or proper officer setting out that the applicant has presented his application to the governing authority of the municipality, if the licensed premises is to be located therein, and has obtained its consent and approval, issue a retail liquor license which will authorize the licensee to purchase liquor and wine from the board or as authorized by the board and to purchase table wine, and beer, including draft or keg beer in any county or municipality in which the sale thereof is permitted, from any wholesaler licensee of the board and to sell at retail liquor and wine, dispensed from containers of any size, and beer, including draft or keg beer in any county or municipality in which the sale thereof is permitted, to patrons. A lounge liquor licensee may permit dancing or provide other lawful entertainment on the licensed premises. No person under nineteen years of age shall be admitted on the premises of any lounge liquor licensee as a patron or employee, and it shall be unlawful for any such licensee to admit any minor to the premises as a patron or employee.

SECTION 12. Club Liquor Retail License.—Upon applicant's compliance with the provisions of this Code and the regulations made thereunder, the board may, where the application is accompanied by a certificate from the clerk or proper officers setting out that the applicant has presented his application to the governing authority of the municipality, if the licensed premises is to be located therein, and has obtained its consent and approval, issue a club liquor license for a club which will authorize the licensee to purchase liquor and wine from the board or as authorized by the board and to purchase table wine and beer, including draft or keg beer in any county or municipality in which the sale thereof is permitted, from any wholesale licensee of the board and to sell liquor and wine, dispensed from containers of any size, and beer, including draft or keg beer, in any county or municipality in which the sale thereof is permitted, to the members of the club or their guests for on-premises consumption.

SECTION 13. Restaurant Retail Liquor License.—Upon applicant's compliance with the provisions of this Code and the regulations made thereunder, the board shall, where the application is accompanied by a certificate from the clerk or proper officer setting out that the applicant has presented his application to the governing authority of the municipality, if the licensed premises is to be located therein, and has obtained its consent and approval issue a restaurant liquor license for a hotel, restaurant, civic center authority or dinner theater which will authorize the licensee to purchase liquor and wine from the board or as authorized by the board and to purchase table wine and beer, including draft or keg beer in any county or municipality in which the sale thereof is permitted, from any wholesale licensee of the board and, in that part of the hotel, restaurant, club or dinner theater set out in the license, to sell liquor and wine, dispensed from containers of any size, and beer, including draft or keg beer, in any county or municipality in which the sale thereof is permitted, to the patrons, guests or members for on-premises consumption in any part of the civic center or in that part of the hotel, restaurant or dinner theater habitually used for serving meals to patrons, guests or members, or other public or private rooms of the building in accordance with the provisions of this Code and the regulations made thereunder, and where a restaurant located in a hotel, but not operated by the owner of the hotel, is licensed to sell alcoholic beverages in the restaurant, it may also sell alcoholic beverages to guests in private rooms in the hotel.

SECTION 14. Retail table wine license for on-premises consumption.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue to applicant a retail table wine license which will authorize the licensee to purchase table wine from the board or from a licensed wholesaler in counties and municipalities where authorized, and to sell at retail, in unopened original containers or dispense from containers of any size, for on-premises consumption in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public, and in original unopened containers for off-premises consumption, where such use of the proposed location is not, at the time of the original application, prohibited by a valid zoning ordinance or other ordinance in the valid exercise of police power by the governing body of the municipality or county in which the outlet is located.

SECTION 15. Retail table wine license for off-premises consumption.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue a retail table wine license for any retail outlet, which license will authorize the licensee to purchase table wine in packaged form from the board, or in counties and municipalities where authorized, from licensed wholesalers and to sell such table wines in original unopened containers at retail, for off-premises consumption, where such use of the proposed location of the retail outlet is not, at the time of original application, prohibited by a valid zoning ordinance or other ordinance in the valid exercise of police power by the governing body of the municipality or county in which the retail outlet is located.

SECTION 16. Retail beer license for on-premises consumption.—Upon applicant's compliance with the provisions of this Act and the regulations made thereunder, the board shall issue to applicant a retail beer license which will authorize the licensee to purchase beer, including draft beer in counties or municipalities where the sale thereof is permitted, from a licensed wholesaler and to sell the same at retail for on-premises consumption in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public, and in original unopened containers for off-premises consumption, where such use of the proposed location is not, at the time of the original application, prohibited by a valid zoning ordinance or other ordinance in the valid exercise of police power by the governing body of the municipality or county in which the outlet is located.

SECTION 17. Retail beer license for off-premises consumption.—Upon applicant's compliance with the provisions of this Code and the regulations made thereunder, the board shall issue to applicant a retail beer license which will authorize the licensee to purchase beer, including draft beer in counties or municipalities where the sale thereof is permitted, in original unopened containers from licensed wholesalers and to sell such beer in packaged form at retail for off-premises consumption, where such use of the proposed location is not, at the time of the original application, prohibited by a valid zoning ordinance or other ordinance in the valid exercise of police power by the governing body of the municipality or county in which the retail outlet is located.

SECTION 18. Retail Common Carrier Liquor License.—Upon applicant's compliance with the provisions of this Code and the regulations made thereunder, the board shall issue a retail common carrier liquor license for a railroad, airline, bus line, ship line, vessel or other common carrier entity

operating passenger vehicles with a passenger seating capacity of at least ten people, which will authorize the licensee to sell, whenever operated in Alabama, alcoholic beverages, liquor, wine and beer, including draft beer, to passengers for consumption while aboard such licensee. No railroad, airline, bus line, ship line, vessel or common carrier entity shall sell alcoholic beverages to passengers for consumption within this state without first obtaining a retail common carrier liquor license from the board.

Sales within Alabama of alcoholic beverages by retail common carrier liquor licensees shall be made in accordance with and shall be subject to the provisions of this Code and regulations promulgated thereunder.

SECTION 19. Special Retail License.—Upon applicant's compliance with the provisions of this Code and the regulations made thereunder, the board shall issue a special retail license for a state park, racing commission, fair authority, airport authority, or civic center authority, or the franchisees or concessionaire of such park, commission or authority, and may, in its discretion, issue a special retail license to any other valid responsible organization of good reputation for such period of time not to exceed one year and upon such terms and conditions as the board shall prescribe, which will authorize the licensee to purchase, where the retail sale thereof is authorized by the board, liquor and wine from the board or as authorized by the board and table wine and beer from any wholesale licensee of the board and to sell at retail and dispense such alcoholic beverages as are authorized by the board at such locations authorized by the board upon such terms and conditions as prescribed by the board. Provided, however, no sale of alcoholic beverages shall be permitted on any Sunday after the hour of 2:00 a.m. unless otherwise authorized by the local governing authority.

SECTION 20. Special Events Retail License.—Upon applicant's compliance with the provisions of this Code and the regulations made thereunder, and upon application made on form provided by the board at least 120 days in advance of the event for which a license is granted, the board shall issue a special events license for a valid, responsible organization of good reputation, for a period not to exceed seven days, and upon such terms and conditions as the board may prescribe, which will authorize the licensee to purchase, where the retail sale thereof is authorized by the board, liquor and wine from the board or as authorized by the board and table wine and beer from any wholesale licensee of the board and to sell at retail and dispense such alcoholic beverages as are authorized by the board to the patrons, guests or members of the organization at such locations or areas as shall be authorized by the board upon such terms and conditions as prescribed by the board. Provided, however, no sale of alcoholic beverages shall be permitted on any Sunday after the hour of 2:00 a.m. unless otherwise authorized by the local governing authority.

SECTION 21. License Fees for Licenses Issued by the Board.—The following annual license fees are levied and prescribed for licenses issued and renewed by the board pursuant to the authority contained in this Code:

- (a) Manufacturer license, license fee of \$500.
- (b) Importer license, license fee of \$500.
- (c) Liquor wholesale license, license fee of \$500.
- (d) Wholesaler license, beer license fee of \$550 or wine license fee of \$550; license fee for beer and wine of \$750; plus \$200 for each warehouse in addition to the principal warehouse.

- (e) Warehouse license, license fee of \$200.
- (f) Lounge retail liquor license, license fee of \$1,500.
- (g) Restaurant retail liquor license, license fee of \$200.
- (h) Club liquor license, license fee of \$750.
- (i) Retail table wine license for off-premises consumption, license fee of \$150.
- (j) Retail table wine license for on-premises and off-premises consumption, license fee of \$150.
- (k) Retail beer license for on-premises and off-premises consumption, license fee of \$150.
- (l) Retail beer license for off-premises consumption, license fee of \$100.
- (m) Retail common carrier liquor license, license fee of \$150 for each railroad, airline, bus line, ship line, vessel or other common carrier entity with a vehicle passenger capacity of at least 10 people.
- (n) Special retail license, license fee of \$100 for 30 days or less; license fee of \$250 for more than 30 days.
- (o) Special events retail license, license fee of \$150.

The license fees levied and fixed by this section shall be paid before the license is issued or renewed.

In addition to the foregoing filing fee and license taxes or fees, any county or municipality in which the sale of alcoholic beverages is permitted shall be authorized to fix and levy privilege or license taxes on any of the foregoing licensees located or operating therein, conditioned on a permit or license being issued by the Board.

No county or municipality shall have any authority to levy a license or tax of any nature on any liquor store.

SECTION 22. Disposition of filing fees and license taxes.—The revenue derived from filing fees, license fees or taxes levied under Section 4 and Section 21 of this Code shall be deposited upon receipt by the board in the state treasury to the credit of the beer tax and license fund and each month's receipts shall be distributed to the state general fund no later than the end of the following month.

County license fees authorized by and levied pursuant to Section 21 of this Code shall be collected by the board and the proceeds of such collections shall be paid by the board into the state treasury to the credit of the county levying said license fee and paid semi-annually to the governing body of said county.

SECTION 23. Regulation of the grant of licenses.—No license prescribed in this Code shall be issued or renewed until the provisions of this Code have been complied with and the filing and license fees other than those levied by a municipality are paid to the board.

Licenses shall be granted and issued by the board only to reputable individuals who are citizens of the United States or to associations whose members are reputable individuals who are citizens of the United States, or to reputable corporations organized under the laws of the State of Alabama or

duly qualified thereunder to do business in Alabama, or, in the case of manufacturers, duly registered under the laws of Alabama, and then only when it appears that all officers and directors of the corporation are reputable individuals and are citizens of the United States, and that at least fifty-one percent of the capital stock is actually owned by individuals who are citizens of the United States. In addition to the foregoing requirements, wholesale licenses shall be granted only to individuals who are residents of this state or to associations at least one of whose partners or associates owning a substantial interest in the association is a resident of this state or a corporation which has at least 51% of its capital stock actually owned by resident individuals of this state. Provided, the residence or citizenship requirements of this paragraph do not apply to manufacturer licensees.

Every license issued under this Code shall be constantly and conspicuously displayed on the licensed premises.

Each retail license application must be approved by the governing authority of the municipality if the retailer is located in a municipality, or by the county commission if the retailer is located in the county and outside the limits of the municipality before the board shall have authority to grant the license.

Any retailer may be granted licenses to maintain, operate or conduct any number of places for the sale of alcoholic beverages, but a separate license must be secured for each place where alcoholic beverages are sold. No retail license issued under this Code shall be used for more than one premise, nor for separate types of operation on the same premise. Each premise must have a separate retail license. Where more than one retail operation is located within the same building, each such operation under a separate or different ownership is required to obtain a separate retail license; and where more than one type of retail operation located within the same building is operated by the same licensee, such licensee must have a license for each type of retail operation. Provided, there shall be no licenses issued by the board for the sale of liquor, beer or wine by rolling stores.

No retailer shall sell any alcoholic beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public; but this section shall not be interpreted to prevent a hotel or club licensee from selling such beverages in any room of such hotel or club house occupied by a bona fide registered guest or member or private party entitled to purchase the same.

All beer, except draft or keg beer, sold by retailers must be sold or dispensed in bottles, cans or other containers not to exceed one pint or sixteen ounces. All wine sold by retailers for off-premises consumption must be sold or dispensed in bottles or other containers in accordance with the standards of fill specified in the then effective Standards of Fill for Wine prescribed by the U. S. Treasury Department.

Draft or keg beer may be sold or dispensed within this state within those counties in which and in the manner in which the sale of draft or keg beer was authorized by law upon the effective date of this Code or in which the sale of draft or keg beer is hereafter authorized by law; provided in rural communities with a predominantly foreign population, after the payment of the tax imposed by Title 28, Code of Alabama 1975, draft or keg beer may be sold or dispensed by special permit from the board, when, in the judgment of the board, the use and consumption of draft or keg beer is in accordance with the

habit and customs of the people of any such rural community. Provided further the board may, in its discretion, grant to any civic center authority or its franchisee or concessionaire, to which the board may have issued or may simultaneously issue a retail license under the provisions of this Code, a revocable temporary permit to sell or dispense in any part of its civic center for consumption therein, draft or keg beer. Either such permit shall be promptly revoked by the board if, in its judgment, the same tends to create intemperance or is prejudicial to the welfare, health, peace, temperance and safety of the people of the community or of the state.

No wholesaler shall maintain or operate any place where sales are made other than that for which the wholesale license is granted; provided, however, a wholesaler may be licensed to sell and distribute liquor, wine and beer. No wholesaler shall maintain any place for the storage of liquor, wine or beer unless the same has been approved by the board. No wholesaler license shall be issued for any premises in any part of which there is operated any retail license for the sale of alcoholic beverages.

Licenses issued under this Code may not be assigned. The board is hereby authorized to transfer any license from one person to another, or from one place to another within the same governing jurisdiction, or both, as the board may determine; but no transfers shall be made to a person who would not have been eligible to receive the license originally, nor for the transaction of business at a place for which the license could not originally have been issued lawfully.

Every applicant for a transfer of a license shall file a written application with the board within such time as the board shall fix in its regulations. Whenever any license is transferred, there shall be collected a filing fee of \$50.00, to be paid to the board, and the board shall pay such fee into the state treasury to the credit of the beer tax and license fund of the board.

In the event that any person to whom a license shall have been issued under the terms of this Act shall become insolvent, make an assignment for the benefit of creditors, be adjudicated a bankrupt by either voluntary or involuntary action, the license of such person shall immediately terminate and be cancelled without any action on the part of the board, and there shall be no refund made, or credit given, for the unused portion of the license fee for the remainder of the license year for which said license was granted. Thereafter no license shall be issued by the board for the premises, wherein said license was conducted, to any assignee, committee, trustee, receiver or successor of such licensee until a hearing has been held by the board as in the case of a new application for license. In all such cases, the board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises, and the time it shall issue, and the period for which it shall be issued, and shall have the further power to impose conditions under which said licensed premises shall be conducted.

SECTION 24. Suspension or revocation of licenses and fines against licensees.—The board shall have full and final authority as to the suspension or revocation of any license issued under this Code and to levy a fine against a licensee in lieu of such suspension or revocation. The board shall have the full right and authority to suspend any retail license issued by it for any reason which it may deem sufficient and proper.

Provided, however, the board may appoint a hearing commission of not less than three members to hear and decide all contested applications of licenses under this Code, and hear and decide all charges against any licensee for violation of this Code, the law or the regulations of the board and shall

have the power and authority to revoke or suspend for cause licenses and permits, or to fine licensees provided in this Code. Provided no member of the hearing commission shall participate in the hearing or disposition of any application for license or charge against a licensee if he has an interest therein or he was involved in the investigation.

The board or a hearing commission appointed by the board, upon sufficient cause being shown or proof being made that any licensee holding a license issued by the board, or any partners, members, officers, or directors of the licensee has or have violated any of the laws of this state or regulations of the board relating to the manufacture, sale, possession or transportation of alcoholic beverages, or where the licensed premises has been conducted in a manner prejudicial to the welfare, health, peace, temperance and safety of the people of the community or of the state, may upon due notice and proper hearing being given to the person so licensed, suspend or revoke the license issued by the board. In all such cases where the board or hearing commission shall suspend or revoke a license, it shall set forth its findings of fact, the evidence from which such findings of fact are made, and the reasons upon which its actions are based.

When, in the opinion of the board or hearing commission, a fine is deemed more appropriate than suspending or revoking a license, the board or hearing commission is authorized to fine the licensee for any cause that could result in suspension or revocation. Such fines may not exceed the sum of \$1,000. The licensee must remit the fine to the administrator within one week of the day that such fine is levied. Failure to pay the fine within this period shall result in an automatic suspension of the license until such fine is paid. All fines collected by the board shall be paid by the administrator into the treasury of the state and credited to the general fund.

The maximum length of suspension of a license under these provisions shall be one year, and any licensee whose license is suspended by the board or hearing commission shall be, at the discretion of the board or hearing commission, ineligible to have any license under this Act until the expiration or removal of the suspension. Any licensee whose license is revoked by the hearing commission or the board shall be, at the discretion of the board or hearing commission, ineligible to have any license under this Act until the expiration of one year from the date such license is revoked. The board or hearing commission is hereby granted broad discretionary powers in exercising its authority under this section.

SECTION 25. Unlawful acts and offenses.—

A. It shall be unlawful:

(1) For any manufacturer or wholesaler, or the servants, agents or employees of the same, to sell, trade or barter in beer or wine between the hours of nine o'clock p.m. of any Saturday and two o'clock a.m. of the following Monday.

(2) For any wholesaler to sell to other than wholesale or retail licensees or others within this state lawfully authorized to sell beer or wine or to sell for export.

(3) For any licensee to sell, furnish or give away alcoholic beverages to any minor, or to permit any minor to drink or consume any alcoholic beverages on licensee's premises.

(4) For any person to consume alcoholic beverages on the premises of any state liquor store or any off-premises licensee.

(5) For any licensee to fail to keep for a period of at least three years, complete and truthful records covering the operation of his license and particularly showing the date of all purchases of beer and wine, the actual price paid therefor and the name of the vendor, or to refuse the board or any authorized employee of the board access thereto or the opportunity to make copies of the same when the request is made during business hours.

(6) For any licensee to refuse the board, any of its authorized employees or any duly commissioned law enforcement officer the right to completely inspect the entire licensed premises at any time during which the premises are open for the transaction of business.

(7) For any licensee to be directly or indirectly employed by any other licensee engaged in the manufacture, storage, transportation or sale of alcoholic beverages; provided, however, this subsection (7) shall not apply to any person so employed for twenty or more consecutive years prior to the enactment of this Act.

(8) For any licensee to knowingly sell any alcoholic beverages to any person engaged in the business of illegally selling alcoholic beverages.

(9) For any person to manufacture, transport or import alcoholic beverages into this state, except in accordance with the reasonable rules and regulations of the board. Provided, however, that this provision shall not be construed to prohibit the transportation of alcoholic beverages through the state and not for delivery therein if such transportation is done in accordance with the reasonable rules and regulations of the board.

(10) For any person to fortify, adulterate, contaminate or in any wise change the character or purity of alcoholic beverages from that as originally marketed by the manufacturer, except for a retail licensee on order from a customer to mix a chaser or other ingredients necessary to prepare a cocktail or mixed drink for on-premises consumption.

(11) For any person licensed to sell beer or wine to offer to give anything of value as a premium for the return of caps, stoppers, corks, stamps or labels taken from any bottle, case, barrel or package containing such beer or wine, or to offer to give any thing of value as a premium or present to induce the purchase of such beer or wine or for any other purpose whatsoever in connection with the sale of such beer or wine. Provided, however, this provision shall not apply to the return of any monies specifically deposited for the return of the original containers to the owners thereof.

(12) For any licensee or transporter for hire to transport any alcoholic beverages except in the original container, and for any transporter for hire to transport any alcoholic beverages within the state, unless such transporter shall hold a permit issued by the board.

(13) For any manufacturer or wholesaler to deliver any alcoholic beverages, excepting in vehicles bearing the name and address and permit number of such manufacturer or wholesaler painted or affixed on each side of such vehicle in letters no smaller than four inches in height.

(14) To sell alcoholic beverages within any dry county or county where the electors have voted against such sales, except in wet municipalities or as authorized by Section 20 of this Act.

(15) For any person, firm, corporation, partnership or association of persons as such terms are defined in Section 2 of this Code, including any civic center authority, racing commission, fair authority, airport authority,

public or quasi-public board, agency or commission, any agent thereof, or otherwise, who has not been licensed to do so under the appropriate provisions of this Code to sell, offer for sale or have in possession for sale, any alcoholic beverages. Any alcoholic beverages so possessed, maintained, or kept shall be contraband and subject to condemnation and confiscation as provided by law.

(16) For any manufacturer, distiller, producer or distributor of alcoholic beverages to employ and maintain any person not its full-time bona fide employee as its resident sales agent, broker or other like representative, for the purpose of promoting a sale, purchase or acquisition of alcoholic beverages to or by the state or the board, or for any person not a full-time bona fide employee to act as such agent, broker or representative of any manufacturer, distributor, producer or distiller for that purpose.

(17) For any licensee to sell, give away, or otherwise dispose of taxable alcoholic beverages within this state on which the required taxes have not been paid.

(18) For any wholesaler or retailer to sell, distribute, deliver or to receive or store for sale or distribution within this state any alcoholic beverages unless there first has been issued by the board a manufacturers license to the manufacturer of such alcoholic beverages or its designated representative or an importer license to the importer of such alcoholic beverages.

(19) For a minor to attempt to purchase, to purchase, consume, possess or to transport any alcoholic beverages within the state; provided, however, it shall not be unlawful for a minor employee of a wholesale licensee or an off-premises retail licensee of the board to handle, transport or sell any beer or table wine if such minor is acting within the line and scope of his employment while so acting. There must be an adult present at all times a licensed establishment is open for business.

(20) For any person, except where authorized by a local act or general act of local application, to buy, give away, sell, or serve for consumption on the premises, or drink or consume any alcoholic beverages in any cafe, lunchroom, restaurant, hotel dining room, or other public place on Sunday after the hour of 2:00 o'clock a.m.

(21) Except where authorized by a local act or general act of local application, for the proprietor, keeper or operator of any cafe, lunchroom, restaurant, hotel dining room, or other public place to knowingly permit any person to give away, sell, or serve for consumption on the premises, or drink or consume any alcoholic beverages on the premises of such cafe, lunchroom, restaurant, hotel dining room, or other public place on Sunday after the hour of 2:00 o'clock a.m.

B. (1) Any violation of the foregoing subsections 1-18 of subsection A of this Section 25 shall be a misdemeanor punishable by a fine of not less than one hundred dollars nor more than one thousand dollars, to which, at the discretion of the court or judge trying the case, may be added imprisonment in the county jail or at hard labor for the county for not more than six months for the first conviction; and, on the second conviction of a violation of this subsection, the offense shall, in addition to a fine within the limits above named, be punishable by imprisonment or at hard labor for the county for not less than three months nor more than six months to be imposed by the court

or judge trying the case; and, on the third and every subsequent conviction of a violation of this subsection, the offense shall, in addition to a fine within the limits above named, be punishable by imprisonment or at hard labor for the county for not less than six months nor more than twelve months.

B. (2) Any violation of any of the foregoing subsections 19, 20 and 21 of subsection A of this Section 25 shall be a misdemeanor punishable by a fine of not less than fifty dollars nor more than five hundred dollars, to which, at the discretion of the court or judge trying the case, may be added imprisonment in the county jail or at hard labor for the county for not more than three months.

SECTION 26. Any person who has been found guilty of violating any of the provisions of this Code and who, after being punished by fine, penalty, assessment or imprisonment shall be guilty of a second or subsequent violation of this Code, shall upon being found guilty of such second or subsequent offense, have the license or permit as provided in this Code revoked by the board, and no further license or permit shall be issued or granted to such person for a period of one year from the date the license or permit shall have been revoked.

SECTION 27. Repealer.—All laws or parts of laws which conflict or are inconsistent with this Code are hereby repealed. Without limiting the generality of the foregoing, the following laws are specifically repealed: Section 28-3-1; Section 28-3-23; Sections 28-3-70 through 28-3-73, inclusive; Sections 28-3-90 through 28-3-95, inclusive; Sections 28-3-110 through 28-3-115, inclusive; Sections 28-3-130 through 28-3-148, inclusive; Sections 28-3-160 through 28-3-167, inclusive; Sections 28-3-260 through 28-3-268, inclusive; all of Code of Alabama 1975.

SECTION 28. Severability.—The provisions of this Code are severable. If any part of the Code is declared invalid or unconstitutional, such declaration shall not affect the part or parts which remain.

SECTION 29. Effective date.—Upon its passage and approval by the Governor, or upon its otherwise becoming law, this Code shall become effective at midnight on September 30, 1980, provided, however, that any license granted prior to the effective date shall remain in effect until its expiration.

And the substitute was adopted.

Yeas 38; Nays 3.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Biddle, Cabaniss, Campbell, Carter, Cobb, Cosby, Dial, Drinkard, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Harvey, Hines, Holley, Johnson (R. G.), McMillan, Minus, Moore, Olive, Owens, Patton, Penry, Ray, Riddick, Sasser, Shoemaker, Trammell, Turner, Ward, Williams and Willis.

—38

Nays: Reps.: McKee, Smith (C) and Wyatt.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 440 as Substituted on page 6, Section 1 (z), lines 18 through 25, by striking this section in its entirety and renumbering all subsequent subsections accordingly.

Further amend House Bill 440 as Substituted on page 8, Section 3 (p), lines 20 and 21, after the comma by deleting the words "but may be issued in wet municipalities"

Further amend House Bill 440 as Substituted on page 30, Section 25, Subsection (14), lines 8 and 9, after the comma by deleting the words, "except in wet municipalities"

And the amendment was adopted.

Yeas 41; Nays 3.

Yeas:

Mr. Speaker, Adams (H), Albright, Bedsole, Bennett, Biddle, Cabaniss, Carter, Cheatwood, Drinkard, Goodwin, Greer, Grimsley, Hall, Harper (O), Harper (T), Harvey, Hines, Johnson (R. G.), Kelley, Laird, McMillan, Minus, Moore, Nevett, Olive, Patton, Pegues, Penry, Ray, Roberts, Sasser, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turner, Ward and Williams.

—41

Nays: Reps.: Howard, Letson and Wyatt.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Riddick offered the following amendment No. 1 to the bill, H. 440 as amended:

Amend H. B. 440 on page 7, Section 3 (h), line(s) 34-35 by delete line 34 and 35 in their entirety.

AMENDMENT TABLED

On motion of Rep. Sasser, the amendment No. 1 offered by Rep. Sasser to the bill, H. 440 as amended, was tabled.

Yeas 39; Nays 19.

Yeas:

Mr. Speaker, Adams (H), Bedsole, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Coburn, Cooley, Crow, Dixon, Drinkard, Ford, Gilmer, Gregg, Grimsley, Hall, Harper (T), Harvey, Johnson (R. G.), Kelley, Minus, Naramore, Owens, Patton, Ray, Sasser, Shavers, Shoemaker, Smith (M), Turner, Williams, Willis and Zoghby.

—39

Nays:

Reps.: Adams (C), Clark (W), Edwards, Goodwin, Greer, Johnson (Roy), Laird, Letson, McKee, McMillan, Olive, Pegues, Penry, Roberts, Smith (C), Starkey, Trammell, Ward and Whatley.

—19

AMENDMENT OFFERED

Rep. Riddick offered the following amendment No. 2 to the bill, H. 440 as amended:

Amend H. B. 440 on page 8, Section (o) (p), line(s) 14 and 17 by (striking or adding) after the word(s) board the following: on lines 14 & 17 change period after board and insert comma and add words "excluding Sunday sales; sales on election days and national holidays".

AMENDMENT TABLED

On motion of Rep. Sasser, the amendment No. 2 offered by Rep. Riddick to the bill, H. 440 as amended, was tabled.

Yeas 39; Nays 33.

Yeas:

Mr. Speaker, Adams (H), Albright, Bedsole, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark (W), Coburn, Cooley, Crow, Gilmer, Grimsley, Hall, Hammett, Harper (T), Harvey, Hilliard, Hines, Johnson (R. G.), Kelley, McMillan, Minus, Naramore, Owens, Penry, Reed, Sasser, Shavers, Shoemaker, Smith (M), Starkey, Turner, Willis and Zoghby.

—39

Nays:

Reps.: Adams (C), Barton, Boles, Buskey, Cates, Cheatwood, Cosby, Dixon, Drinkard, Edwards, Ford, Goodwin, Greer, Gregg, Grouby, Holley, Johnson (Roy), Kennedy, Laird, Langford, McKee, Mitchell, Moore, Patton, Pegues, Riddick, Smith (C), Trammell, Turnham, Venable, Ward, Williams and Wyatt.

—33

AMENDMENT OFFERED

Rep. Riddick offered the following amendment No. 3 to the bill, H. 440 as amended:

Amend H. B. 440 on page 19, Section 19, line(s) 11 & 26 by (striking or adding) after the word(s) the following: after word license add "in wet counties".

Further amend section 19 page 19 by deleting line 26 in its entirety.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bedsole, Biddle, Blake, Boles, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Coburn, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Goodwin, Greer, Gregg, Grimsley, Grouby, Harper (O), Harper (T), Harrison, Harvey, Hines, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, McKee, McMillan, Mitchell, Moore, Naramore, Nevett, Owens, Pegues, Penry, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—64

Nays: Reps.: Cabaniss, Minus, Patton and Smith (M).

—4

REPORT ON THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to-wit:

H. 730. Relating to Washington County; prohibiting the hunting of unantlered deer.

Also:

H. 753. To provide for a certain increase in court costs in the Washington County division of the First Judicial Circuit of this state with the proceeds to be used for an increase in the salaries and retirement of full-time deputies and jailers.

Also:

H. 834. To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Coosa County shall have or exercise police jurisdiction within Coosa County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Coosa County or over or on any person in Coosa County or property or business or trade or profession in Coosa County; nor shall any such municipality levy, fix or collect any license or fee of any kind in Coosa County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violating thereof have force or effect in Coosa County.

Also:

H. 910. Relating to Morgan County; amending Act 742, 1978 Regular Session (Acts of 1978, p. 1081), which levies a county gross sales tax, so as to provide for a lower tax rate for certain gross sales of agriculture equipment, motor vehicles and mining equipment, and to clarify the provisions thereof relative to the distribution of the tax so that a part of the tax will be paid to certain municipalities in the county.

Also:

H. J. R. 225. EXTENDING THE JOINT INTERIM COMMITTEE TO STUDY SALARIES AND RELATED MATTERS CREATED BY ACT NO. 79-76, H. J. R. 61, OF THE 1979 REGULAR SESSION.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolution, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 230. To amend Code of Alabama 1975, §§ 16-24-31 to provide for the appointment of a representative of the city and county boards of education to the State Tenure Commission by the President of the Alabama Association of School Boards.

Also:

H. 319. To amend and reenact Act No. 87, S. 40, 1971, Third Special Session, (Acts of 1971, p. 4299, now appearing in Code of Alabama, Recom-piled 1975, Title 16-46-1 through 16-46-10), known as the Alabama Private School License Law, relating to the regulation of certain schools and courses of instruction publicized, sold, offered for sale, and administered to residents of this state; so as to provide for effective and realistic regulation of such schools and courses of instruction.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 440 RESUMED

AMENDMENT OFFERED

Rep. Riddick offered the following amendment #4 to the bill, H. 440 as amended:

Amend H. B. 440 on page 20, Section 20, line(s) 13 and 14 on line 13 delete "unless otherwise" further amend section 20, page 20 by deleting line 14 in its entirety.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Harper (O), Harrison, Harvey, Hines, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, McKee, McMillan, Minus, Mitchell, Naramore, Nevett, Owens, Patton, Pegues, Penry, Reed, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—68

Nays: Reps.: Rains and Smith (M).

—2

AMENDMENT OFFERED

Rep. Cosby offered the following amendment to the bill, H. 440 as amended:

Amend Substitute to H. B. 440 on page 16, line 12 after the word consumption by adding the following: and to sell all of the above for off premises consumption except on Sunday.

MOTION TO TABLE LOST

The motion offered by Rep. McKee to table the amendment offered by Rep. Cosby to the bill, H. 440 as amended, was lost.

Yeas 23; Nays 47.

Yeas:

Reps.: Adams (C), Biddle, Cabaniss, Cobb, Drinkard, Greer, Gregg, Harvey, Holley, Kelley, Letson, McKee, Moore, Olive, Patton, Rains, Ray, Riddick, Smith (C), Turner, Turnham, Ward and Warren.

—23

Nays:

Reps.: Adams (H), Albright, Barton, Bedsole, Blake, Boles, Buskey, Campbell, Carothers, Cates, Cheatwood, Clark (W), Crow, Dixon, Ford, Gilmer, Hall, Hammett, Harper (O), Harper (T), Harrison, Hilliard, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, McMillan, Minus, Mitchell, Nevett, Roberts, Shavers, Shoemaker, Smith (M), Stewart, Stout, Trammell, Tucker, Venable, Williams, Willis and Wyatt.

—47

REGULAR SESSION
24th Day

1455

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Cosby to the bill, H. 440 as amended, and the amendment was adopted.

Yeas 43; Nays 24.

Yeas:

Reps.: Adams (H), Albright, Barton, Bedsole, Blake, Boles, Buskey, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Crow, Dixon, Drinkard, Ford, Hall, Hammett, Harper (T), Hilliard, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, McMillan, Mitchell, Nevett, Owens, Sasser, Shavers, Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Williams and Willis.

—43

Nays:

Reps.: Cabaniss, Cobb, Dial, Greer, Gregg, Grouby, Harvey, Holley, Kelley, Laird, Letson, McKee, Moore, Olive, Patton, Rains, Ray, Riddick, Smith (C), Tucker, Turnham, Ward, Warren and Wyatt.

—24

AMENDMENT OFFERED

Rep. Clark (G) offered the following amendment to the bill, H. 440 as amended:

In Subsection (aa) of Section 2 on page 6, line 31, add the following language as a continuation of said Subsection (aa):

Provided further that any person licensed under this subsection shall be authorized to sell keg beer, where lawful, at retail for off-the-premises consumption.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 31; Nays 29.

Yeas:

Reps.: Albright, Barton, Bedsole, Biddle, Boles, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Crow, Hall, Hammett, Harper (T), Harrison, Hilliard, Horn, Jackson, Johnson (R. G.), Johnson (Roy), Langford, McMillan, Minus, Mitchell, Shoemaker, Stewart, Trammell, Williams, Willis and Zoghby.

—31

Nays:

Mr. Speaker, Adams (C), Adams (H), Blake, Cheatwood, Cobb, Dial, Edwards, Gilmer, Greer, Gregg, Grimsley, Grouby, Holley, Kelley, McKee, Moore, Nevett, Olive, Owens, Pegues, Ray, Riddick, Sasser, Starkey, Turner, Turnham, Ward and Warren.

—29

AMENDMENT OFFERED

Rep. Smith (C) offered the following amendment to the bill, H. 440 as amended:

Amend H. B. 440 on page 31, Section 25, line(s) by (striking or adding) after the word(s) the following: add subsection (22) to read as follows: No retail or wholesale license shall be issued to sell alcohol beverages of more than 1/2% alcohol by volume to any individual or establishment whose place of business is located within 1000 (one thousand feet) of the nearest property line of any church, school or recreational area. Those establishments that have been granted a license prior to the enactment of this bill shall not be affected.

AMENDMENT TABLED

On motion of Rep. Sasser, the amendment offered by Rep. Smith (C) to the bill, H. 440 as amended, was tabled.

Yeas 33; Nays 32.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Blake, Cabaniss, Campbell, Carothers, Cheatwood, Clark (G), Dixon, Gilmer, Hall, Harrison, Hilliard, Hines, Horn, Jackson, Johnson (R. G.), Johnson (Roy), McMillan, Manley, Minus, Mitchell, Nevett, Owens, Pegues, Penry, Sasser, Shoemaker, Stewart, Turner and Willis.

—33

Nays:

Reps.: Adams (C), Carter, Cobb, Cooley, Crow, Drinkard, Edwards, Ford, Goodwin, Greer, Gregg, Grouby, Harvey, Holley, Langford, Letson, McKee, Moore, Olive, Patton, Rains, Ray, Riddick, Roberts, Smith (C), Starkey, Turnham, Venable, Ward, Warren, Whatley and Williams.

—32

MOTION TO POSTPONE TABLED

On motion of Rep. Sasser, the motion offered by Rep. McKee to postpone further consideration of the bill, H. 440 as amended, to the twenty-sixth legislative day, was tabled.

Yeas 56; Nays 18.

Yeas:

Mr. Speaker, Adams (H), Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Cosby, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Gregg, Hammett, Harper (O), Hilliard, Hines, Holley, Horn, Jackson, Johnson (R. G.), Laird, McMillan, Minus, Moore, Nevett, Olive, Owens, Patton, Penry, Rains, Riddick, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Tucker, Turner, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—56

Nays:

Reps.: Adams (C), Albright, Bedsole, Clark (W), Cobb, Crow, Hall, Harper (T), Johnson (Roy), Kelley, Letson, McKee, Manley, Pegues, Ray, Roberts, Trammell and Turnham.

—18

AMENDMENT OFFERED

Rep. Sasser offered the following amendment #1 to the bill, H. 440 as amended:

Amend House Bill 440 as substituted on Page 17, Section 14, Line 12, by deleting the following phrase:

“in counties and municipalities where authorized,”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 58; Nays 7.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Johnson (R. G.), Langford, Letson, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Patton, Pegues, Penry, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Willis, Wyatt and Zoghby.

—58

Nays:

Reps.: Adams (C), Albright, Carothers, Hall, Johnson (Roy), Kelley and Ray.

—7

AMENDMENT OFFERED

Rep. Sasser offered the following amendment #2 to the bill, H. 440 as amended:

Amend House Bill 440 as substituted by amending Section 15, Page 17, as follows: On Line 24 insert the following language immediately after “thereunder,” and immediately preceding the words “the board”:

“in counties and municipalities where authorized,” and by deleting from Lines 26 and 27 the same phrase:

“in counties and municipalities where authorized,”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Horn, Johnson (R. G.), Laird, Langford, Letson, McMillan, Manley, Minus, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Turner, Turnham, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—63

Nays: Reps.: Albright, Hall, Johnson (Roy) and Mitchell.

—4

AMENDMENT OFFERED

Rep. Sasser offered the following amendment #3 to the bill, H. 440 as amended:

Amend House Bill 440 as substituted on Page 22, Section 23, Line 31, by inserting immediately after the word "retail" and preceding the word "license" the following:

"liquor"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Horn, Johnson (R. G.), Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Penry, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—64

Nays: Reps. Albright, Hall, Holley and Letson.

—4

AMENDMENT OFFERED

Rep. Harper (T) offered the following amendment to the bill, H. 440 as amended:

Amend Sub. to H. B. 440 on page 20, Section 21, line(s) 36 by (striking or) after the word(s) of the following: \$100 and inserting in lieu thereof, the following: \$50

AMENDMENT TABLED

On motion of Rep. Sasser, the amendment offered by Rep. Harper (T) to the bill, H. 440 as amended, was tabled.

Yeas 56; Nays 17.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bennett, Biddle, Blake, Bowling, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Cobb, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Grouby, Hammett, Harper (O), Harvey, Hines, Holley, Horn, Johnson (R. G.), Kelley, Laird, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams and Willis.

—56

Nays:

Reps.: Albright, Barton, Buskey, Clark (W), Cosby, Crow, Hall, Harper (T), Hilliard, Johnson (Roy), Kennedy, Letson, Smith (M), Stewart, Warren, Wyatt and Zoghby.

—17

And the bill:

H. 440. To be known as the Alcoholic Beverage Licensing Code; to further regulate and control alcoholic beverage transactions in wet counties in Alabama under the control and supervision of the alcoholic beverage control board; to authorize the board to license others to engage in alcoholic beverage transactions in accordance with the provisions of this Code; to provide for application for, and the issuance and renewal of, and regulation of the grant of licenses; to authorize the sale of alcoholic beverages by the licensees of the board; to impose, levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, import, wholesale or retail sale of alcoholic beverages; to prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws relating to manufacture, sale, possession or transportation of alcoholic beverages and of regulations of the board; to proscribe unlawful acts and offenses and to provide for punishment therefor; and to repeal laws or parts of laws in conflict herewith.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 30.

Yeas:

Mr. Speaker, Adams (H), Bedsole, Bennett, Biddle, Blake, Boles, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Cooley, Drinkard, Ford, Gafford, Gilmer, Gregg, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Horn, Jackson, Johnson (R. G.), McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Penry, Rains, Riddick, Sasser, Shoemaker, Smith (M), Tucker, Turner, Venable, Waggoner, Whatley, Willis and Zoghby.

—50

Nays:

Reps.: Adams (C), Albright, Barton, Brakefield, Buskey, Clark (W), Cobb, Dial, Edwards, Greer, Hall, Holley, Johnson (Roy), Kelley, Laird, Langford, Letson, McKee, Payne, Pegues, Ray, Roberts, Smith (C), Starkey, Trammell, Turnham, Ward, Warren, Williams and Wyatt.

—30

MOTION TO RECESS

Rep. Manley offered the motion that the House recess until 7:30 o'clock p.m.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Clark (G) that the House adjourn, was lost.

Yeas 34; Nays 50.

Yeas:

Reps.: Albright, Barton, Brakefield, Buskey, Campbell, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Drinkard, Edwards, Gafford, Goodwin, Grimsley, Hall, Hilliard, Horn, Howard, Johnson (Roy), Langford, Letson, Manley, Nevett, Olive, Patton, Ray, Roberts, Stout, Trammell, Turner, Whatley and Williams.

—34

Nays:

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bennett, Biddle, Blake, Bowling, Cabaniss, Carothers, Carter, Cooley, Crow, Dial, Greer, Gregg, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Kelley, Kennedy, Laird, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Owens, Payne, Pegues, Rains, Riddick, Sasser, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Turnham, Venable, Waggoner, Warren, Willis, Wyatt and Zoghby.

—50

MOTION TO RECESS LOST

The question was then on the motion offered by Rep. Manley that the House recess until 7:30 o'clock p.m., and the motion was lost.

Yeas 23; Nays 56.

Yeas:

Mr. Speaker, Barton, Bennett, Cobb, Dial, Ford, Gilmer, Greer, Johnson (Roy), Laird, Naramore, Olive, Patton, Payne, Riddick, Shoemaker, Smith (M), Turner, Turnham, Waggoner, Warren, Willis and Wyatt.

—23

Nays:

Reps.: Adams (C), Adams (H), Albright, Bedsole, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Cheatwood, Clark (G), Clark (W), Crow, Drinkard, Edwards, Gafford, Goodwin, Gregg, Grouby,

Hall, Hammett, Harper (T), Harvey, Hilliard, Hines, Holley, Horn, Howard, Jackson, Johnson (R. G.), Kennedy, Letson, McKee, Manley, Minus, Mitchell, Moore, Nevett, Pegues, Rains, Roberts, Sasser, Smith (C), Starkey, Stewart, Stout, Trammell, Tucker, Venable, Ward, Whatley, Williams and Zoghby.

—56

NOTICE IN WRITING

Rep. Harper (T) filed the following Notice in Writing.

Notice is hereby given that on the next Legislative Day a motion will be made to add as a new rule of the House the following:

Rule 27c. In any matter pertaining to the sale of alcoholic beverages, only the members from the counties that are legally wet shall be permitted to participate in matters so pertaining. Only said members shall be able to participate in any matters including, but not limited to, taxes on alcoholic beverages, distribution of taxes on alcoholic beverages, hours of sale of alcoholic beverages and any matters pertaining to the Alcoholic Beverage Control Board.

MOTION TO RECESS LOST

The motion offered by Rep. Greer that the House recess until 7:00 o'clock p.m., was lost.

Yeas 33; Nays 47.

Yeas:

Reps.: Adams (C), Barton, Bennett, Bowling, Buskey, Cobb, Dial, Dixon, Ford, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McMillan, Narmore, Patton, Reed, Shoemaker, Smith (M), Turnham, Waggoner, Warren, Willis and Wyatt.

33

Nays:

Mr. Speaker, Adams (H), Albright, Biddle, Blake, Boles, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Crow, Drinkard, Edwards, Gregg, Grimsley, Harper (T), Harvey, Holley, Horn, Jackson, Johnson (R. G.), McKee, Manley, Minus, Mitchell, Moore, Nevett, Owens, Payne, Pegues, Rains, Roberts, Sasser, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Whatley, Williams and Zoghby.

—47

SPECIAL ORDER RESUMED

And the bill:

H. 293. (With Substitute) (With Amendment): To further amend Section 2, Act No. 100, Second Special Session 1959 (Section 40-23-2, Code of Alabama 1975, as amended) to require the taxpayer to report and pay the

sales tax at the rate levied or the actual amount collected, whichever is greater. Requires that the tax on automotive vehicles, truck trailers, semitrailers, or house trailers required to be registered with the Judge of Probate be paid to the Judge of Probate at the time of registering and licensing the unit.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To further amend Section 2, Act No. 100, Second Special Session 1959, as amended, (Section 40-23-2, Code of Alabama 1975 as amended) in order to impose a sales tax of one and one-half percent (1-1/2%) upon the purchase price of any automotive vehicle, truck trailer, semitrailer or house trailer; to require that the tax imposed be paid by the purchaser to the Judge of Probate of the County in which the vehicle is to be licensed; and to require the Judge of Probate to remit the tax collected to the Department of Revenue.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2, Act No. 100, Second Special Session 1959, as heretofore amended (Section 40-23-2, Code of Alabama 1975 as amended), is hereby amended further to read as follows:

"Section 2. There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, (except the tax levied upon the sale of automotive vehicles, truck trailers, semitrailers, or house trailers which shall be imposed and collected as provided in Subsection (d) hereof) as follows:

"(a) Upon every person, firm or corporation, (including the State of Alabama and its Alcoholic Beverage Control Board in the sale of alcoholic beverages of all kinds, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions) engaged or continuing within this state, in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other watercraft of over fifty tons burden), an amount equal to four percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business.

"Where any used part of an automotive vehicle or a truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part, the tax levied herein shall be paid on the net difference, that is, the price of the new or used part sold less the credit for the used part taken in trade, provided, however, this provision shall not be construed to include tires or batteries.

"(b) Upon every person, firm or corporation engaged or continuing within this state in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contest, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests, conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, or county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the State of Alabama, an amount equal to four percent of the gross receipts of any such business.

"(c) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount equal to one and one-half percent of the gross proceeds of the sale of such machines; provided, that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

"(d) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail any automotive vehicle or truck trailer, semitrailer or house trailer, an amount equal to one and one half percent of the gross proceeds of sale of said automotive vehicle or truck trailer, semitrailer or house trailer, provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semitrailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of five dollars per year or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person.

"Where any used automobile vehicle or truck trailer, semitrailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, and tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

"(d) Commencing on and after October 1, 1980, upon every person, firm or corporation purchasing, other than by wholesale sale, any automotive vehicle, truck trailer, semitrailer or house trailer, an amount equal to one and one-half percent of the gross proceeds of sale of said automotive vehicle, truck trailer, semitrailer, or house trailer. Where any used automotive vehicle, truck trailer, semitrailer or house trailer is taken in trade or in a series of trades as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade. In the event of a withdrawal of an automotive vehicle, truck trailer, semitrailer or house trailer from the stock in trade of a person for use by such person or by his employee or agent in the operation of his business, there shall be paid by such person to the Judge of Probate, in lieu of the tax levied herein, a fee of five dollars per year or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person.

The tax levied herein shall be paid by the purchaser to the Judge of Probate of the County in which the vehicle is or will be licensed and shall be remitted by the Judge of Probate to the Department of Revenue. No license plate may be issued or transferred for use on the vehicle nor registration issued except upon payment to the Judge of Probate of the tax levied hereby and upon presentment to the Judge of Probate of a sworn report reflecting the sales price of the vehicle accompanied by a properly executed bill of sale or other evidence reflecting the sale of the vehicle. The tax levied hereby shall be in lieu of any other taxes imposed by this Act upon the sale at retail of any automotive vehicle, truck trailer, semitrailer or house trailer.

"(e) Upon every person, firm or corporation engaged or continuing within this state in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than Coffee, milk, milk products and substitutes therefor, there is hereby levied a tax equal to three percent (3%) of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection shall be the gross proceeds of sales of such business."

Section 2. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 65; Nays 8.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carter, Clark (G), Dial, Dixon, Drinkard,

Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Hilliard, Hines, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Ward, Warren, Williams, Willis and Zoghby.

—65

Nays:

Reps.: Albright, Cheatwood, Crow, Hall, Letson, Nevett, Rains and Wyatt.

—8

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. B. 293 Sub, Section (d), Page 5, line(s) 33 by adding after the word(s) the following: All revenue remitted to the Dept. of Revenue as a result of the tax levied in Sec. 40-23-2, sub-section d, shall be deposited into the Gen. Fund of the State of Ala. after the cost of collection has been deducted

AMENDMENT TABLED

On motion of Rep. Sasser, the amendment reported by the Standing Committee on Ways and Means to the bill, H. 293, was tabled.

Yeas 62; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Ray, Roberts, Sasser, Shoemaker, Smith (M), Starkey, Trammell, Turnham, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—62

Nays: Reps.: Gilmer and Hall.

—2

AMENDMENT OFFERED

Rep. Sasser offered the following amendment to the bill, H. 293 as amended:

On page 5, at the end of line 33, insert the following:

All revenue collected by the Department of Revenue from the new tax sources created by Act, H. 293, 1980 Regular Session, shall be deposited into the general fund of the state of Alabama after the cost of collection has been deducted. All revenue collected by Section 40-23-2 (d) from tax sources created prior to 1980 shall continue to be allocated in the same manner as past years.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 67; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, McKee, McMillan, Minus, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stout, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams and Wyatt.

—67

Nay: Rep. Crow.

—1

CO-SPONSORS ADDED

Reps. Greer and Howard were added as co-sponsors to the bill, H. 293.

AMENDMENT OFFERED

Rep. Gregg offered the following amendment to the bill, H. 293 as amended:

On page 1, in the Synopsis, line 10, after the language "truck trailer," insert the following language:

boat, boat motor, boat trailer,

On page 1, in the Title, after the language "truck trailer," insert the following language:

boat, boat motor, boat trailer,

On page 1, in Section 1, line 37, after the language "automotive vehicles," insert the following language:

boats, boat motors, boat trailers,

On page 2, Section 1(a), line 30, after the language "automotive vehicle," insert the following language:

boat, boat motor, boat trailer,

On page 4, Section 1(d), line 31, after the language "automotive vehicle," insert the following language:

boat, boat motor, boat trailer,

On page 4, Section 1(d), line 33, after the language "automotive vehicle," insert the following language:

boat, boat motor, boat trailer,

On page 4, Section 1(d), line 35, after the language "automotive vehicle," insert the following language:

boat, boat motor, boat trailer,

On page 5, Section 1(d), line 8, after the language "automotive vehicle," insert the following language:

boat, boat motor, boat trailer,

On page 5, Section 1(d), line 13, after the language "automotive vehicle," insert the following language:

boat, boat motor, boat trailer,

On page 5, Section 1(d), line 19, after the language "automotive vehicle," insert the following language:

boat, boat motor, boat trailer,

On page 5, Section 1(d), line 32, after the language "automotive vehicle," insert the following language:

boat, boat motor, boat trailer,

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 10.

Yeas:

Mr. Speaker, Adams (H), Albright, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carter, Cates, Clark (G), Cobb, Coburn, Cosby, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Harper (T), Harrison, Harvey, Hilliard, Holley, Howard, Laird, Langford, McKee, Manley, Minus, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stout, Trammell, Turner, Turnham, Ward, Warren, Whatley, Williams and Willis.

—61

Nays:

Reps.: Boles, Cheatwood, Crow, Hall, Hammett, Johnson (R. G.), Johnson (Roy), Letson, Smith (M) and Wyatt.

—10

And the bill:

H. 293. To further amend Section 2, Act No. 100, Second Special Session 1959, as amended, (Section 40-23-2, Code of Alabama 1975 as amended) in order to impose a sales tax of one and one-half percent (1-1/2%) upon the purchase price of any automotive vehicle, truck trailer, boat, boat motor, boat trailer, semitrailer or house trailer; to require that the tax imposed be paid by the purchaser to the Judge of Probate of the County in which the vehicle is to be licensed; and to require the Judge of Probate to remit the tax collected to the Department of Revenue.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 18.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Hammett, Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Starkey, Stout, Turner, Turnham, Venable, Ward, Whatley, Williams, Willis and Zoghby.

—70

Nays:

Reps.: Albright, Blake, Boles, Buskey, Cheatwood, Cobb, Crow, Hall, Horn, Johnson (Roy), Letson, Payne, Smith (C), Smith (M), Stewart, Trammell, Warren and Wyatt.

—18

And the bill:

H. 697. (With Amendment): To amend Section 40-13-5 and 40-13-6 of the Code of Alabama 1975 relating to the deposit, disbursement and refund of the proceeds from certain coal severance taxes so as to provide that such proceeds that were formerly refunded shall be expended for grain handling facilities at the various state docks facilities throughout Alabama.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

On page 1, in the Synopsis, lines 18 through 20, after the parenthesis, delete all the language and insert in lieu thereof:

shall be credited to the Treasury of the State General Fund.

On page 1, in the Title, lines 30 and 31, delete all the language after the word "be" and insert in lieu thereof:

credited to the Treasury of the State General Fund.

On page 2, Section 1, Subsection (d), line 37, delete the word "expenditures" and insert in lieu thereof:

a credit transfer

On page 3, Section 1, Subsection (e) lines 20 through 23, strike all the language after the word "be" and insert in lieu thereof:

credited to the Treasury of the State General Fund.

And the amendment was adopted.

Yeas 70; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Boles, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Gregg, Grimsley,

Grouby, Hall, Hammett, Harper (O), Hilliard, Holley, Horn, Howard, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—70

Nay: Rep. Shavers.

—1

SUBSTITUTE OFFERED

Rep. Gregg offered the following substitute to the bill, H. 697 as amended:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 40-13-2, 40-13-5 and 40-13-6 of the Code of Alabama 1975 relating to the levy and rate and deposit, disbursement and refund of the proceeds from certain coal severance taxes so as to provide that such proceeds that were formerly refunded shall be expended for grain handling facilities at the various state docks facilities throughout Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-13-2, 40-13-5 and 40-13-6 of the Code of Alabama 1975 are hereby amended to read as follows:

"Section 40-13-2. There is hereby levied, in addition to all other taxes imposed by law, an excise and privilege tax on every person severing coal within Alabama. This tax shall be paid to the commissioner by every producer who severs coal within Alabama at the rate of \$.135 \$.50 per ton of coal severed."

"Section 40-13-5. (a) The entire proceeds from the privilege or license tax levied by section 40-13-2 shall be deposited in the state treasury to the credit of the Alabama state docks bulk handling facility trust fund. The proceeds from the special handling charge provided for by Act No. 2306 of the 1971 regular session of the legislature shall be deposited in the state treasury to the credit of a fund to be created and known as the special handling charge fund.

"(b) The amounts deposited into such funds shall be disbursed and are hereby appropriated to the extent necessary for such purpose, to pay at their respective maturities, or to redeem under the terms thereof, principal of and interest on any revenue bonds that may at any time be issued pursuant to authorization and any statute adopted at the 1971 regular session of the Alabama legislature or at any other legislative session prior thereto for the purpose of constructing any seaport facility; provided, that amounts deposited into the special handling charge fund shall be first expended to the extent necessary for such purposes before any amounts are drawn from the Alabama state docks bulk handling facility trust fund.

"(c) From the balance remaining in the special handling charge fund during each fiscal year there is hereby appropriated and there shall be paid by the state treasurer into a reserve fund or funds established for the bonds

until there is on deposit an amount equal to the maximum principal and interest becoming due on the bonds in any one year; to the extent that the balance remaining in the special handling charge fund is inadequate to fully fund the reserve fund, the reserve fund shall be funded from the Alabama state docks bulk handling facility trust fund.

"(d) From the balance thereafter remaining in the Alabama state docks bulk handling facility trust fund during each fiscal year refunds expenditures shall be made as provided by section 40-13-6.

"(e) The balance, if any, in the special handling charge fund is hereby appropriated and shall be used by the state treasurer to pay, at his discretion, principal and interest on the bonds in future years or to redeem portions of the bonds.

"Section 40-13-6. In each fiscal year when the funds then on deposit in the special fund or funds created for retirement of the bonds equal the amount needed to pay all the principal and interest becoming payable on the bonds within the succeeding 12 months and the funds then on deposit in the reserve fund or funds created for the bonds equal the maximum principal and interest becoming due on the bonds in any one year, the severance tax proceeds remaining in the Alabama state docks bulk handling facility trust fund, such remaining tax proceeds being hereinafter in this section referred to as "available proceeds," shall be available for refund expended for gain handling facilities at the various state docks facilities throughout Alabama in the following manner.

"There shall be refunded to each producer an amount equal to the product of the available proceeds and a fraction of which the numerator is the total taxes paid by such producer during such fiscal year on severed coal and the denominator of which is the total taxes paid pursuant to this chapter by all producers during such fiscal year on severed coal, provided, that no taxpayer shall receive a refund exceeding the amount of tax paid pursuant to this chapter by such taxpayer for such fiscal year on severed coal.

"The commissioner shall determine the amounts, if any, to be refunded to the respective taxpayers under this section and shall transmit his approval to the comptroller for payment not later than the last day of the fourth month following the end of each fiscal year. Any such determination by the commissioner under this section shall be conclusive.

"Upon approval by the commissioner of a refund to a taxpayer, the state comptroller is authorized and directed to draw a warrant for payment thereof. There is hereby appropriated for this purpose out of the available proceeds so much thereof as may be necessary from time to time to make the refunds provided for by this section.

"The director of the Alabama state docks department shall file with the commissioner upon forms prescribed by him and at the time so designated by the commissioner a report stating the amount of coal shipped through the seaport facility, by whom it was shipped, the date of each shipment and such further information as the commissioner reasonably may require for the proper enforcement of the provisions of this section."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Rep. Johnson (Roy) to table the substitute offered by Rep. Gregg to the bill, H. 697 as amended, was lost.

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Yeas 42; Nays 46.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bennett, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cheatwood, Clark (W), Cobb, Cooley, Edwards, Gafford, Harper (O), Harvey, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, McKee, Mitchell, Moore, Naramore, Owens, Payne, Pegues, Rains, Reed, Shavers, Stewart, Trammell, Turner, Turnham, Ward and Williams.

—42

Nays:

Reps.: Adams (C), Albright, Bedsole, Blake, Campbell, Carter, Clark (G), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Ford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harrison, Hilliard, Holley, Laird, Langford, Letson, McMillan, Manley, Minus, Patton, Penry, Ray, Riddick, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Tucker, Venable, Whatley, Willis, Wyatt and Zoghby.

—46

MOTION TO RECONSIDER LOST

Having voted on the prevailing side, Rep. Drinkard offered the motion to reconsider the vote by which the motion to table the substitute offered by Rep. Gregg to the bill, H. 697 as amended, was lost, and the motion to reconsider was lost.

Yeas 40; Nays 50.

Yeas:

Reps.: Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Cates, Cheatwood, Clark (W), Cobb, Crow, Drinkard, Gafford, Harvey, Howard, Johnson (Roy), Kelley, Kennedy, McKee, McMillan, Mitchell, Moore, Naramore, Olive, Owens, Payne, Riddick, Sasser, Shavers, Shoemaker, Stewart, Trammell, Turner, Turnham, Waggoner, Warren and Zoghby.

—40

Nays:

Rep.: Adams (C), Albright, Blake, Campbell, Carter, Clark (G), Cosby, Daniels, Dial, Dixon, Edwards, Ford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Hilliard, Holley, Horn, Jackson, Johnson (R. G.), Laird, Langford, Letson, Manley, Minus, Patton, Pegues, Penry, Rains, Ray, Roberts, Smith (C), Smith (J), Smith (M), Starkey, Stout, Tucker, Venable, Ward, Whatley, Williams, Willis and Wyatt.

—50

MOTION TO ADJOURN LOST

The motion offered by Rep. Clark (G) that the House adjourn, was lost.

Yeas 27; Nays 55.

Yeas:

Reps.: Amari, Barton, Bedsole, Biddle, Boles, Brakefield, Buskey, Cabaniss, Cates, Clark (G), Clark (W), Cobb, Gafford, Harper (T), Hilliard, Johnson (Roy), Kennedy, Naramore, Payne, Rains, Reed, Roberts, Sasser, Shavers, Turner, Waggoner and Williams.

—27

Nays:

Mr. Speaker, Adams (C), Albright, Bennett, Blake, Bowling, Campbell, Carter, Cheatwood, Cosby, Crow, Drinkard, Edwards, Ford, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Nevett, Olive, Owens, Patton, Pegues, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Tucker, Turnham, Venable, Ward, Warren, Willis, Wyatt and Zoghby.

—55

H. 697 RESUMED

The question was again on the substitute offered by Rep. Gregg to the bill, H. 697 as amended.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Naramore to indefinitely postpone the substitute offered by Rep. Gregg to the bill, H. 697 as amended, was lost.

Yeas 39; Nays 48.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cheatwood, Clark (W), Cobb, Crow, Ford, Gafford, Gilmer, Harvey, Howard, Johnson (Roy), Kelley, Kennedy, McKee, McMillan, Naramore, Nevett, Olive, Owens, Payne, Rains, Sasser, Shavers, Stewart, Turner, Waggoner, Williams and Zoghby.

—39

Nays:

Reps.: Adams (C), Albright, Blake, Campbell, Carter, Clark (G), Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hilliard, Holley, Horn, Jackson, Johnson (R. G.), Laird, Langford, Letson, Manley, Minus, Patton, Pegues, Penry, Riddick, Roberts, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Tucker, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—48

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 511. Relating to the City of Foley in Baldwin County; authorizing the utilities board of the City of Foley to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this Act from the jurisdiction and control of the Alabama Public Service Commission.

Also:

S. 530. Relating to Cleburne County; providing further for hospital service for the indigent in the county; authorizing the expenditure of funds to doctors who will engage in the practice of medicine in the county as an inducement to same, and providing for its retroactive effect.

Also:

S. J. R. 136. CONGRATULATING MR. AND MRS. HENRY VIRGIL DENNIS ON THEIR FORTIETH WEDDING ANNIVERSARY.

Also:

S. J. R. 140. REQUESTING THAT THE COMMISSIONER OF AGRICULTURE AND INDUSTRIES WITH THE APPROVAL OF THE STATE BOARD OF AGRICULTURE AND INDUSTRIES PROMULGATE RULES AND REGULATIONS REQUIRING RETAIL SELLERS OF GASOLINE THAT DISPENSE SUCH FUELS BY LITER, TO ALSO POST ON THEIR PUMPS THE PRICE OF SAID FUEL BY THE GALLON.

Also:

S. J. R. 150. MOURNING THE DEATH OF MRS. ANNIE DELAY TAYLOR.

Also:

S. J. R. 151. COMMENDING STATE ORATORICAL CHAMPION, THOMAS BUNDENTHAL OF SELMA, ALABAMA.

Also:

S. J. R. 152. COMMENDING HAL BLOOM, JR., EXECUTIVE ASSISTANT TO SPEAKER JOE C. McCORQUODALE.

Also:

S. J. R. 155. NOTING THE OCCASION OF MR. C. S. GIBSON'S 90TH BIRTHDAY.

Also:

S. J. R. 164. MOURNING THE DEATH OF MR. JESSE EDWIN MORRIS OF WETUMPKA, PROMINENT ELMORE COUNTIAN.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MOTION TO ADJOURN LOST

The motion offered by Rep. Brakefield that the House adjourn was lost.

Yeas 37; Nays 43.

Yeas:

Reps.: Barton, Bennett, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Crow, Daniels, Dixon, Hilliard, Hines, Horn, Howard, Jackson, Johnson (Roy), Kennedy, McKee, Naramore, Nevett, Penry, Ray, Reed, Sasser, Smith (J), Tucker, Turner, Whatley, Williams and Willis.

—37

Nays:

Mr. Speaker, Adams (C), Albright, Blake, Carter, Cooley, Cosby, Dial, Edwards, Ford, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Holley, Johnson (R. G.), Kelley, Laird, Langford, Letson, Manley, Minus, Moore, Olive, Owens, Patton, Pegues, Rains, Sandusky, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Venable, Ward, Wyatt and Zoghby.

—43

MOTION TO RECESS LOST

The motion offered by Rep. Buskey that the House recess until 8:00 o'clock p.m., was lost.

Yeas 22; Nays 50.

Yeas:

Mr. Speaker, Adams (C), Albright, Bowling, Brakefield, Buskey, Clark (W), Daniels, Dixon, Grouby, Hall, Hammett, Jackson, Johnson (Roy), Kelley, Kennedy, McMillan, Naramore, Owens, Penry, Smith (C) and Willis.

—22

Nays:

Reps.: Blake, Boles, Cabaniss, Campbell, Cates, Cheatwood, Clark (G), Cooley, Crow, Dial, Edwards, Ford, Greer, Grimsley, Harper (O), Harrison, Hilliard, Holley, Holmes, Horn, Howard, Johnson (R. G.), Laird, Langford, Letson, McKee, Manley, Minus, Moore, Nevett, Olive, Patton, Pegues, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Trammell, Tucker, Venable, Ward, Whatley, Williams and Wyatt.

—50

H. 697 RESUMED

SUBSTITUTE ADOPTED

The question was again on the substitute offered by Rep. Gregg to the bill, H. 697 as amended, and the substitute was adopted.

Yeas 52; Nays 36.

Yeas:

Reps.: Adams (C), Albright, Blake, Campbell, Carter, Clark (G), Cooley, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Hilliard, Holley, Horn, Jackson, Johnson (R. G.), Laird, Langford, Letson, Manley, Minus, Nevett, Patton, Pegues, Penry, Ray, Riddick Roberts, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Tucker, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—52

Nays:

Mr. Speaker, Amari, Barton, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark (W), Cobb, Crow, Gafford, Gilmer, Harvey, Howard, Johnson (Roy), Kelley, Kennedy, Moore, Naramore, Olive, Owens, Payne, Rains, Sasser, Shavers, Stewart, Stout, Turner, Waggoner, Williams and Zoghby.

—36

AMENDMENT OFFERED

Rep. Gregg offered the following amendment to the bill, H. 697 as amended:

On page 1, in the Synopsis, lines 18 through 20, after the parenthesis, delete all the language and insert in lieu thereof:

shall be credited to the Treasury of the State General Fund.

On page 1, in the Title, lines 30 and 31, delete all the language after the word "be" and insert in lieu thereof:

credited to the Treasury of the State General Fund.

On page 2, Section 1, Subsection (d), line 37, delete the word "expenditures" and insert in lieu thereof:

a credit transfer.

On page 3, Section 1, Subsection (e) lines 20 through 23, strike all the language after the word "be" and insert in lieu thereof:

credited to the Treasury of the State General Fund.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Bedsole, Biddle, Blake, Boles, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hilliard, Holley, Horn, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—81

MOTION TO ADJOURN LOST

The motion offered by Rep. Harvey that the House adjourn was lost.

Yeas 25; Nays 50.

Yeas:

Reps.: Amari, Barton, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Clark (G), Clark (W), Cobb, Crow, Gafford, Hilliard, Hines, Howard, Johnson (Roy), Kelley, Kennedy, Moore, Naramore, Payne, Roberts, Turner and Waggoner.

—25

Nays:

Mr. Speaker, Adams (C), Albright, Blake, Campbell, Carter, Cheatwood, Cooley, Cosby, Dial, Dixon, Edwards, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harrison, Holley, Horn, Johnson (R. G.), Laird, Langford, McKee, Manley, Minus, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Riddick, Sasser, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Tucker, Venable, Ward, Whatley, Williams, Willis and Wyatt.

—50

H. 697 RESUMED

MOTION TO POSTPONE TABLED

On motion of Rep. Gregg, the motion offered by Rep. Johnson (Roy) to postpone further consideration of the bill, H. 697 as amended, to the twenty-ninth legislative day, was tabled.

Yeas 60; Nays 19.

Yeas:

Mr. Speaker, Adams (C), Albright, Bedsole, Blake, Campbell, Carothers, Carter, Clark (G), Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T),

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Harrison, Holley, Horn, Jackson, Johnson (R. G.), Laird, Langford, Letson, McKee, Manley, Minus, Nevett, Olive, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Tucker, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—60

Nays:

Reps.: Amari, Barton, Boles, Bowling, Brakefield, Cabaniss, Clark (W), Cobb, Cooley, Crow, Harvey, Hilliard, Johnson (Roy), Kelley, Kennedy, Naramore, Owens, Payne and Waggoner.

—19

And the bill:

H. 697. To amend Sections 40-13-2, 40-13-5 and 40-13-6 of the Code of Alabama 1975 relating to the levy and rate and deposit, disbursement and refund of the proceeds from certain coal severance taxes so as to provide that such proceeds that were formerly refunded shall be credited to the Treasury of the State General Fund.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 23.

Yeas:

Mr. Speaker, Adams (C), Albright, Bedsole, Blake, Campbell, Carothers, Carter, Cates, Clark (G), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Hilliard, Holley, Horn, Jackson, Johnson (R. G.), Laird, Langford, Letson, McKee, Manley, Minus, Nevett, Owens, Patton, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Tucker, Turner, Turnham, Venable, Ward, Whatley, Williams, Willis and Wyatt.

—61

Nays:

Reps.: Barton, Bowling, Brakefield, Buskey, Cabaniss, Cheatwood, Clark (W), Cobb, Gafford, Gilmer, Harvey, Johnson (Roy), Kelley, Kennedy, Mitchell, Naramore, Olive, Payne, Rains, Stewart, Stout, Waggoner and Zoghby.

—23

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:35 P.M. on April 22, 1980:

H. J. R. 220

H. J. R. 222

H. 117

H. 241

H. 496

H. 751

Delivered to the Governor at 5:25 P.M. on April 22, 1980:

H. 730

H. 753

H. 834

H. 910

H. J. R. 225

H. 230

H. 319

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Smith (J) and pursuant to the resolution, H. R. 224, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Wednesday, April 23, 1980.

Yeas 50; Nays 24.

Yeas:

Mr. Speaker, Albright, Bedsole, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Daniels, Dixon, Gilmer, Grimsley, Hall, Harper (O), Harper (T), Hilliard, Hines, Horn, Johnson (Roy), Kelley, Kennedy, Langford, Letson, McKee, McMillan, Manley, Nevett, Olive, Patton, Payne, Penry, Ray, Reed, Sasser, Smith (J), Trammell, Tucker, Turner, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—50

Nays:

Reps.: Adams (C), Barton, Campbell, Dial, Greer, Gregg, Grouby, Hammett, Holley, Johnson (R. G.), Laird, Minus, Moore, Naramore, Pegues, Rains, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Turnham, Venable and Ward.

—24

TWENTY-FIFTH DAY

House of Representatives
Montgomery, Alabama
Wednesday, April 23, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Bill Cook, Highland Church at Carriage Hills, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-fourth legislative day and finds the same to be correct.

LEIGH PEGUES,
Acting Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the twenty-fourth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-fourth legislative day was approved.

LEAVES OF ABSENCE

At the request of Rep. Payne, leave of absence was granted for Rep. Lewis, due to absence from the state.

At the request of Rep. Zoghby, leave of absence was granted for Reps. Parker and Sandusky, due to illness.

At the request of Rep. Cabaniss, leave of absence was granted for Rep. Seibels, due to illness.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 230. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Wednesday, April 23, 1980, we adjourn to meet again on Tuesday, April 29, 1980, at 1:00 P.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 230, was adopted.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 231. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business April 23, 1980, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Rep. Biddle:

H. 453 p. 85 Compensation for sheriffs

By Rep. Bedsole:

H. 488. p. 19 Medicaid fraud

By Rep. Grouby:

H. 164. p. 56 Re-open Employees Retirement System

By Rep. Kelley:

H. 558. p. 47 Alabama Housing Finance Authority

By Rep. Miller:

S. 327. p. 13S Municipalities

By Rep. Payne:

H. 261. p. 25 Examiners of Public Accounts

By Rep. McMillan:

H. 916. p. 107 Captive counties

By Rep. Riddick:

H. 473. p. 156 Salaries, clerks & registers, Circuit Court

By Rep. Smith (C):

H. 669. p. 66 Scholastic months

By Rep. Drinkard:

H. 768. p. 81 National banks convert to state banks

By Rep. Dixon:

H. 666. p. 94 Public assistance to unwed mothers

By Rep. Carothers:

H. 586. p. 50 Auctioneers, licensing

By Rep. Turnham:

H. 811. p. 1S Toll roads

By Mr. Vacca:

S. 80. p. 71 Real Estate Commission

By Rep. Adams (C):

H. 701. p. 60 Federal Aid Highway Finance Authority

By Rep. Adams (C)

H. 702. p. 60 Equipment Replacement Surplus

By Rep. Kennedy:

H. 668. p. 47 Defacing Cemeteries

By Rep. Minus:

H. 282. p. 122 Teachers Retirement System

By Rep. Turnham:

H. 889. p. 113 Wild turkey

By Rep. Gafford:

H. 458. p. 155 Feeding of prisoners by sheriffs

By Rep. Willis:

H. 605. p. 125 Ad valorem tax exemptions

By Rep. Smith (C):

H. 457. p. 19 Service process

By Rep. Zoghby:

H. 935. p. 133 Historic Preservation

By Rep. Bowling:

H. 466. p. 35 Certain public assistance recipients

By Rep. Smith (J):

H. 509. p. 46 Good time law

By Rep. Bedsole:

H. 259. p. 16 Boards of education, vacancies

By Rep. Stout:

H. 578. p. 161 Captive counties

By Mr. McDonald:

S. 385. p. 135 Medical Clinic Boards

By Rep. Johnson (R. G.):

H. 492. p. 120 Examination fee drivers license

By Rep. Boles:

H. 417. p. 52 Merit system

By Rep. Adams (C):

H. 885. p. 110 Sunset Law

By Rep. Waggoner:

H. 891. p. 131 Van pool bill

By Rep. Waggoner:

H. 770. p. 154 Merit system

By Rep. Venable:

H. 622. p. 67 Absentee voting

By Rep. Smith (C):

H. 671. p. 82 Soybean promotion

By Rep. McKee:

H. 170. p. 25 Forest tree seeds and seedlings

By Rep. Mitchell:

H. 740. p. 95. Funeral Directors

By Rep. Smith (M):

H. 577. p. 51 Capitol security officers

By Rep. Starkey:

H. 925. p. 15S Municipalities

By Rep. Cooley:

H. 961. p. 136 Special Awards Committee for Fairs

By Rep. Letson:

H. 762. p. 83 Weights and measures

By Rep. Bennett:

H. 19. p. 17 Elections

By Rep. Naramore:

H. 739. p. 79 Pistol sales

By Rep. Bennett:

H. 698. p. 121 Student loan program

By Rep. Waggoner:

H. 843. p. 113 Bank investigators

By Rep. Hammett:

H. 426. p. 52 Special license plates

By Rep. McKee:

H. 55. p. 41 License inspectors

By Rep. Cabaniss:

H. 178. p. 14 Commissioners of Insurance

By Rep. Roberts:

H. 315. p. 32 Crimes against elderly

By Rep. Stout:

H. 555 p. 43 Governing bodies

By Rep. Naramore:

H. 398. p. 161 Merit system for law enforcement officers

By Rep. Bennett:

H. 113. p. 40 City and county school boards

By Rep. Dixon:

H. 752. p. 112 Dept. of Opthamology, UA

By Rep. Gafford:

H. 686. p. 59 Alimony

By Rep. Mitchell:

H. 300. p. 52 Office of State Toxicologist

By Rep. Harrison:

H. 548. p. 29 Cash awards for suggestions

By Rep. Gafford:

H. 582. p. 51 Destruction of state warrants

By Rep. Greer:

H. 545. p. 55 Prisoner of war tags

By Rep. Barton:

H. 709. p. 57 Tax assessors and tax collectors

By Rep. Gafford:

H. 856. p. 96 Securities and bonds

By Rep. Campbell:

H. 456. p. 129 Student loan authority

By Rep. Payne:

H. 913. p. 132 Public Land, Dept. of Youth Services

By Rep. Smith (M):

H. 543. p. 44 Uniform certificate of title

By Rep. Greer:

H. 125. p. 56 Restitution to victims of crime

By Rep. McKee:

H. 56. p. 160 Pay for PSC

By Rep. Dixon:

H. 72. p. 12 State employees retirement system

On motion of Rep. Pegues, the resolution, H. R. 231, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Pegues, Acting Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 221. REJECTING THE RECOMMENDATIONS OF THE JUDICIAL COMPENSATION COMMISSION.

On motion of Pegues, the resolution, H. J. R. 221, was adopted.

REPORT FILED

Pursuant to the House Joint Resolution 315, Act No. 79-764 of the 1979 Regular Session, Senator John A. Teague, Chairman, submitted the report of the Joint Interim Committee on Electricity, and the report was ordered filed.

BILLS ON SECOND READING

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 497. To amend Sections 4 and 5 of Act No. 79-808, H. 823, Regular Session, 1979, (Acts of 79, p. 1487) which relates to the financial responsibility for the cost of medical treatment of certain indigent patients.

S. 508. To amend Section 41-5-24, Code of Alabama 1975, which provides for the disposition of money received by the Department of Examiners of Public Accounts, so as to permit the Department to receive and retain monies and grants from the federal government.

S. 467. To authorize and make provision for the incorporation of the Alabama Agricultural Development Authority; to provide for the directors of the Authority and their compensation; to provide for the powers, authorities and duties of the Authority and its boards of directors; to authorize the Authority to make loans to others for the purpose of acquiring, by purchase, construction or otherwise, land, any building or other improvement thereon or thereto, and any personal properties necessary or suitable for use in farming, ranching, the production of agricultural commodities (including the products of aquaculture and silvaculture) or the treating, processing or

storing of such agricultural commodities when such activities are customarily engaged in by farmers as a part of farming, such loans to be secured or evidenced by such mortgages, deeds of trust, notes, debentures, bonds or other secured or unsecured evidences of indebtedness as the board of directors of the Authority may determine; to purchase or to make commitments to purchase mortgages, deeds or trust, notes, bonds or other secured or unsecured debt obligations or portions thereof or participations therein, executed by the obligors thereon to obtain funds with which to acquire, by purchase, construction or otherwise, reconstruct or improve such facilities; to authorize the Authority to contract with others to originate or serve any loans made by it or mortgages or other instruments purchased by it; to authorize the Authority to foreclose such mortgages or other instruments, sell the equity of redemption in such security interests and purchase the equity of redemption of the grantor of the said security interests; to authorize the Authority to receive and accept aid or contributions for furtherance of any of its purposes; to authorize the Authority to collect fees and charges in connection with its activities; to authorize the authority to sell at public or private sale, with or without public bidding, any mortgage or other instrument held by it; to authorize the Authority to procure various types of insurance and guarantees; to authorize the Authority to borrow money for any of its corporate purposes; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from or referable to loans made by the Authority, any mortgages or other instruments purchased by the Authority, and from any of its other property; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the Authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the use of the proceeds of any securities issued by the Authority; to provide for the refunding, by the issuance of such securities of the Authority, of securities theretofore issued or obligations theretofore assumed by it; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for fiduciaries; to make the securities issued by the Authority eligible securities which may be given as security for the deposit of State funds; to provide for the employment by the Authority of such officers, employees and agents as its business may require; to provide for the investment of funds of the Authority; to authorize the Authority to enter into contracts for the management of any of its properties; to authorize the sale or conveyance, with or without consideration, by the Authority of any of its properties; to exempt the property and income of the Authority, and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust of which any such Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to Judges of Probate; to exempt the Authority from all laws of the State governing usury, prescribing or limiting interest rates or requiring competitive bids for contracts to be entered into by the State or any public corporation; to exempt the Authority from the supervision and control of State agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of the Authority; and to provide for the dissolution of the Authority and the disposition of its property.

H. 95. To prohibit the sale, manufacture, purchase, possession or carrying of a machine gun, sawed-off shotgun, sawed-off rifle and certain other dangerous weapons; provides for exceptions to the act; and sets the punishment for violations of the act.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 222. To amend Section 41-16-51 of the Alabama Code of 1975 relating to exemptions from the competitive bid law applicable to local governments so as to correct an error made by the codifiers of the Code in the exemption relating to medical clinic boards.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1020. To provide for the placement of all junior colleges and technical schools under the control and direction of the State Board of Education.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1079. To amend Section 2-21-24, Code of Alabama 1975, which relates to inspection fees, reports and cancellation of licenses concerning commercial feeds so as to raise the amount required to be paid to the Agricultural Fund of the Department of Agriculture and Industries for inspection fees.

H. 1080. To amend Section 2-22-9, Code of Alabama 1975, pertaining to filing of reports, payment of inspection fees, examination of records of persons required to pay inspection fees on the sale of commercial fertilizers so as to raise the amount of inspection fees charged.

H. 1081. To require a pump tax permit for retail sellers of gasoline or other liquid motor vehicle fuels; to set the tax for said permit and the disposition of said pump tax; to provide for identifying each pump; to provide for the making of regulations; and to provide for penalties for violating the act.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 129. Relating to Macon County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

S. 394. Relating to Etowah County; to provide for an expense allowance for the chairman of the board members of the Gadsden Water Works and Sewer Board.

S. 395. Relating to Etowah County; providing expense allowances to the official court reporters of the sixteenth judicial circuit payable from the general fund of the county.

S. 396. Relating to Etowah County; providing for the total compensation for the clerk of the jury commission; and repealing all conflicting laws.

H. 971. To authorize the Blount County Commission to establish and maintain a contingent fund to be used for such purposes as the county commission deems appropriate; and to prescribe the maximum amount that may be appropriated for such fund in the fiscal year ending September 30, 1980 and in subsequent fiscal years.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1012. (With Amendment): Relating to Chambers County; to authorize the county commission to impose a privilege or license tax upon the sale, use or consumption for malt or brewed beverages; to provide for the administration and enforcement of this act; and to provide for the rate and distribution of the proceeds of the tax.

H. 1021. (With Amendment): Relating to Macon County providing an annual expense allowance for the judge of the district court; and giving this act retroactive effect to October 1, 1979.

H. 1022. (With Amendment): Relating to Macon County; providing for an additional expense allowance for the members of the board of registrars of said county.

H. 1023. (With Amendment): Relating to Macon County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such county; and to provide penalties for violations.

H. 1024. (With Amendment): Relating to Macon County; to provide for the clerical assistance to the tax assessor; and to make this act retroactive to October 1, 1979.

H. 1025. (With Amendment): Relating to Macon County; to provide for the clerical assistance to the tax collector; and to make this act retroactive to October 1, 1979.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1038. Relating to Choctaw County; to provide for an advisory only referendum on the question of the manner of selection of the county superintendent of education.

H. 1040. To authorize the Perry County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

H. 1041. Relating to Perry County; authorizing the County commission to change its day of regular meeting of the Commission from the second and fourth Monday of each month as specified in Code of Alabama 1975, Title 11, Chapter 3, Section 8, to the second and fourth Tuesday of each month.

H. 1042. Relating to Perry County; authorizing the county commission to levy an additional privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages outside the municipal limits of Marion and Uniontown; and to provide for the distribution of the proceeds of said tax.

H. 1047. Relating to Chilton County; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

H. 1050. To repeal Act No. 79-346, H. B. 301, 1979 Regular Session of the Alabama Legislature, entitled, "An Act Relating to selling and redeeming lands for taxes in DeKalb County, Alabama."

H. 944. To alter the boundary line between Bibb and Tuscaloosa County.

H. 1039. Relating to Sumter County; providing for the life saving standard that any person hunting deer with guns wear "hunter orange" and providing certain exceptions.

H. 1043. Relating to Clay County; providing further for the compensation of election officials.

H. 1044. To extend, alter and rearrange the boundaries and corporate limits of the City of Sheffield so as to annex certain contiguous territory to the City of Sheffield.

H. 1045. An Act relating to Geneva County, providing the county governing body may supplement the salary of the District Judge from the County General Fund up to Five Thousand Dollars (\$5,000.00) per annum.

H. 1046. Relating to Geneva County; providing that the Geneva County Commission or like governing body of Geneva County shall authorized to levy sales and use taxes generally paralleling the state sales and use taxes with the same and additional exemptions and exclusions; providing for the collection of the revenue from said taxes; providing for the distribution of said revenue; providing that any such taxes may be levied in Geneva County as a whole or that there may be excluded from any such levy any incorporated municipality in Geneva County in which the general administration and supervision of public schools shall be vested in a city board of education; and providing for the discretionary holding of an advisory referendum.

H. 1048. To provide an expense allowance for the Circuit Court Register in Winston County.

H. 1057. Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places.

H. 1058. Relating to Tallapoosa County; removing raccoons and foxes from the category of fur-bearing animals.

H. 1071. Relating to selling and redeeming lands for taxes in Bibb County, Alabama.

H. 1072. Relating to Bibb County; to provide for the expense allowance of the coroner.

H. 1073. Relating to Monroe County; amending Act No. 686, H. 1677, 1975 Regular Session (Acts 1975, p. 1437) entitled "An Act Relating to Monroe County; to authorize the tax assessor to hire clerical employees; to provide a clerk hire allowance for the tax assessor and to repeal Act No. 1831, H. 2480, Regular Session of the Legislature 1971 (Acts 1971, p. 2996), and other conflicting laws, so as to increase said allowance.

H. 1074. Relating to Monroe County; amending Act No. 682, H. 1673, 1975 Regular Session (Acts 1975, p. 1435) entitled "An Act Relating to Monroe County; to authorize the tax collector to hire clerical employees; to provide a clerk hire allowance for the tax collector and to repeal Act No. 1828, H. 2477, Regular Session of the Legislature 1971 (Acts 1971, p. 2995), and other conflicting laws," so as to increase said allowance.

H. 1078. Relating to Sumter County; to provide for a \$100 expense allowance in lieu of mileage to be paid monthly to the members of the Sumter County Board of Education.

H. 1082. Relating to Greene County; providing for an additional allowance for election officials who work at polling places.

H. 1087. Relating to Sumter County to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds; providing penalties for violations of this act; and providing that the terms of this act shall not become effective unless approved by the electors of Sumter County at a referendum election held for such purpose.

Rep. Gregg, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 872. (With Amendment): Relating to Madison County, Alabama; to provide arrest powers for personnel of the Madison County Work Release and Pre-Trial Release Commission.

Rep. Gregg, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, ti-wit:

H. 1001. Proposing an amendment to the Constitution of 1901, relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Madison County.

The above bill was read a second time at length as required by the Constitution.

Rep. Wyatt, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1056. (With Amendment): Relating to Montgomery County; to provide further for the compensation of the judge of probate.

Rep. Wyatt, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1055. Relating to Montgomery County; providing for the assessment and collection of ad valorem taxes on motor vehicles, transferring certain duties and responsibilities of the tax assessor and tax collector to the probate judge requiring an additional bond of the probate judge; providing for the deposit of fees and commissions in the general fund of the county; providing that the cost of the operation of the office of probate judge due to assessment and collection of said ad valorem taxes shall be borne in part by the City of Montgomery; and defining terms.

H. 1068. To amend Sections 3.02, 3.05, 3.12, 3.15 and 4.04 of Act 618, H. 796, 1973 Regular Session of the Legislature (Acts 1973, p. 879), relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide for the Council of certain cities to set per diem allowances, salaries, or expense allowances (with certain limitations), to require persons seeking council seats to pay a qualifying fee of \$100 or submit a petition of 200 signatures of registered voters, to allow the Council to set its meeting days, and to fix the salary of the Mayor (with certain limitations).

H. 1069. To amend certain sections of Act No. 618, H. 796, 1973 Regular Session (Acts 1973, p. 879), entitled, "An Act To provide a form of municipal government to be known as the mayor-council form of government, which may be adopted by any city in the state of Alabama having a population of not less than 70,000 nor more than 135,000 according to the last or any succeeding federal or municipal census; to provide the method by which any such city may adopt the mayor-council form of government; to provide for the calling and holding of elections to vote thereon; to define and provide the legal status, form of government and powers of any such city under the mayor-council form of government; to provide as the governing body of such city a city council; to provide for the number of members of the council, their election and terms of office; to provide the functions, duties, powers and authority of the city council; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the election, term, qualifications and compensation of a mayor and for the filling of vacancies in the office of mayor and to provide the duties and authority of the mayor; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission, and adoption and the effect thereof; to create and define the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the terms and effects of succession in government of any city adopting the mayor-council form of government; to make various other provisions for any such city which adopts the mayor-council form of government and for the government thereof; and to provide for the means of abandoning the mayor-council form of government and the adoption by the city of other forms of municipal government in lieu thereof," so as to provide further for said form of government.

H. 1070. Relating to Montgomery County; providing for purging the names of ineligible county voters; providing for the procedure for the re-identification of qualified registered voters; placing certain duties of the board of registrars and judge of probate and county governing body relative to the re-identification process; providing a similar re-identification process following each decennial census year; and providing that willful false statements shall be punishable as perjury under the general laws of the state.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 812. (With Substitute): To amend Section 40-17-1 of the Code of Alabama 1975 relating to the definitions of motor fuel so as to exclude distillate or liquefied gas from such definitions.

H. 779. (With Substitute): To provide a flat fee on certain vehicles using liquefied petroleum gas as fuel; to provide procedures for application and payment of fees; to provide for the governing of the decal; and to provide penalties.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 934. (With Amendment): To provide further for certain funds of the state treasury; to provide further for surpluses in certain trust funds within the state treasury; to exempt other trust funds; to transfer such surplus funds undesignated, uncommitted, unencumbered and unappropriated, to the state parks funds of the state treasury for the purpose of emergency-crisis use in repairing the facilities at Gulf State Park damaged by Hurricane Frederic; to provide how such transfers shall be made; and to provide for the replacement of such funds so transferred upon receipt of funds from the Federal Emergency Management Agency.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

S. 1. (With Substitute): To provide in addition to benefits now received a graduated percentage cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1979, provided that no person whose retirement under the Employees' Retirement System is based primarily upon service as an employee of an employer participating under § 36-27-6 shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this act, provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be appropriated to the Employees' Retirement System from the Alabama Special Education Trust Fund; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by

the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; to provide the necessary and proper appropriations and funding for such purposes; and to provide for the repeal of conflicting laws.

H. 1077. (With Substitute): To amend Sections 40-14-40 and 40-14-43, Code of Alabama 1975, which provide for the levying of franchise taxes on domestic corporations and the remittance and distribution of proceeds of said taxes, so as to provide further for the levy and distribution of the proceeds of the said taxes and to provide that the provisions of this Act shall be effective only for the fiscal year of 1980-81.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 906. Relating to Marion County; to amend Act No. 80-126, H.B. 603, 1980 Regular Session, entitled "An Act Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations," so as to provide further for said disposal.

H. 1049. Relating to Morgan County; amending further Act No. 520, H. 1154, Regular Session 1965 (Acts 1965, p. 762), relative to establishing a jury commission for the county, so as to provide further for the compensation of said commission.

H. 1051. Relating to Lamar County; to further provide for the compensation and expense allowances of certain members of the county commission.

H. 1052. Relating to Lamar County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

H. 1059. Relating to Baldwin County; authorizing the county commission to protect the historic and preservation districts; creating certain agencies to promote the preservation of such districts which are located or are to be located in the designated historic districts; and adopting other provisions necessary to effect the purposes of this act.

H. 1060. Relating to Baldwin County; to provide further for the compensation of election officers.

H. 1061. Relating to Baldwin County; to regulate and control the operation and licensing of massage parlors and to provide penalties for violation.

H. 1062. Relating to Baldwin County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

H. 1063. Relating to Baldwin County; levying an additional privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of cigarettes and cigars in the county; providing for the collection and enforcement of the tax, appropriating the proceeds therefrom the prescribing penalties for violations.

H. 1064. Relating to Baldwin County; to levy an additional privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages and to provide for the distribution of the proceeds of said tax.

H. 1065. Relating to Baldwin County; to provide for the salary of the Judge of Probate.

H. 1066. Applying only to Shelby County; regulating and identifying certain mobile homes; providing for the use of decals for such purpose; and providing fees and penalties.

H. 1067. To promote the maintenance of Shelby County's natural beauty by eliminating unsightly and unhealthy litter; to provide for the dissemination in Shelby County of information pertaining to laws relative to littering and penalties therefor; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant authority to the Shelby County Commission or other like governing body to establish and appoint, for the enforcement of littering in Shelby County, an agency and personnel empowered with the authority of peace officers as defined by state law for the primary purpose of enforcing littering laws and other laws relating to littering in Shelby County; to grant authority to the Shelby County Health Department to enforce littering laws in Shelby County, and to provide for a means to plea to the public to heed such laws and to help to eliminate litter in such county.

H. 1075. Relating to Tuscaloosa County; to provide an expense allowance to certain County and Judicial Officers, and supplemental salary increase to certain County employees in said County.

H. 1083. Relating to Tuscaloosa County; authorizing the county governing body and the governing bodies of municipalities in the county to adopt ordinances which protect the historic architectural character of the county, including designating historic districts, creating certain agencies to regulate and promote the preservation of such districts, which are located or are to be located in the designated historic districts, and adopting other provisions necessary to effect the purposes of this Act.

H. 1088. Relating to Bullock County; authorizing the county governing body to levy in addition to any and all other taxes a one-cent sales tax; providing that the net revenue from such tax shall be used for purposes relating to the constructing, maintaining, equipping, furnishing, repairing, and operating a county prison; providing that such levy shall be collected by the department of revenue and shall be subject to all of the definitions, exceptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishment, and deductions as prescribed in the state sales tax provisions in Title 40, Chapter 23, Article 1 of the Code of Alabama 1975; and providing for the expiration of such additional sales tax levy; and repealing conflicting laws.

H. 1089. Relating to Bullock County; providing further for an expense allowance for the county commissioners.

H. 1090. To exempt the Bullock County Health Services, Inc., from the payment of all state, county and municipal sales and use taxes.

H. 1091. To exempt the Bullock County Ambulance Service, Inc., from the payment of all state, county and municipal sales and use taxes.

NOTICE IN WRITING

Rep. Cates filed the following Notice in Writing:

NOTICE IN WRITING TO REVOKE HOUSE RULE 55(a) FOR THE REMAINDER OF THE 1980 REGULAR SESSION.

Notice is hereby given in accordance with the House Rule 6, that on the next legislative day a motion will be made to revoke the operation of House Rule 55(a) only for the remainder of the 1980 Regular Legislative Session.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Smith:

S. 286. To enact into law the "Alabama Energy Management and Conservation Act of 1980"; to make a legislative finding that the development, management and efficient use of energy resources requires a comprehensive and coordinated effort on the part of the state; to create an Alabama Department of Energy within the executive branch to be administered by a director to be appointed by the Governor; to prescribe the Department's duties which are to formulate a state energy policy, to report regularly to the Governor and annually to the legislature, to inventory the state's energy requirements and supplies, to formulate a state energy management program, to formulate an energy emergency plan, to monitor and/or administer energy related programs, to serve as an energy information clearinghouse, to keep proprietary information confidential, to administer educational and training programs, to review state government energy practices, to assist state institutions when applying for energy related contracts, to review the state's revenue-producing practices for their impact on energy use and development, to provide for research, to receive federal and private funds, to enter into contracts, and to promulgate rules requiring the submission of energy related information, and to ensure energy conservation in state government, and to establish advisory groups; to create an Energy Advisory Council for purposes of evaluating state energy policy and advising the department; to provide for the assumption of the Energy Management Boards' funds and contract; to provide for funding through appropriations from the general fund; and to prescribe sanctions for persons violating the provisions of the act.

Also:

By Messrs. Goodwin, Keener and Weeks:

S. 51. To amend section 36-26-36 of the Code of Alabama 1975 relating to partial payment for accrued sick leave at time of retirement so as to provide further for such payment.

Also:

By Mr. Goodwin:

S. 173. To amend section 2-5-4 of the Code of Alabama 1975 relating to the administrator of the farmers' market authority, so as to provide that his salary shall be set by the authority.

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Also:

By Mr. Proctor:

S. 229. Relating to soil surveys; to provide for accelerating the soil survey in Alabama so that soil mapping, classification, and interpretation may be completed in 10 years, and to make an appropriation for this purpose.

Also:

By Mr. Goodwin:

S. 484. To amend Section 4-3-47 of the Code of Alabama 1975, relating to airport authorities, so as to further provide for the powers of such authorities.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 286. State Administration.
- S. 51. Ways and Means.
- S. 173. Agriculture and Forestry.
- S. 229. Ways and Means.
- S. 484. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Keener (With Notice and Proof):

S. 564. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; to provide appeals from any decision of said board.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 564, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY,

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 564. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Teague:

S. 210. To amend Title 11, Code of Alabama, 1975 relating to the creation, composition, duties and authority of the county commissions of Alabama; and to specifically amend the following sections: § 11-3-1, relating to creation, composition, election and term of commissioners; § 11-3-4, relating to compensation of commissioners; § 11-3-7, relating to the quorum for county commission meetings; § 11-3-8, relating to regular meetings of the county commission; § 11-3-9, relating to special meetings of the county commission; § 11-3-18, relating to proceedings at meetings of the county commission; § 11-3-19, relating to the appointment of a special clerk; § 11-3-20, relating to the determination of matters where the county commission is divided, prescribing duties for the chairman of the county commission; § 11-4-23 (5), relating to the treasurer providing a statement of moneys received; § 11-10-2, relating to tax anticipation loans; § 11-12-4, relating to claims and demands against the county; § 11-12-13, relating to lights and fuel for sessions of court and county commission; § 11-14-2, relating to custody of county property; § 11-14-9, relating to custody and maintenance of the courthouse; § 11-14-19, relating to special meetings of the county commission to make appropriations for jail; and § 11-14-22, relating to the examination of jails.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 210. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Cook:

S. 107. To establish the "Alabama Correctional Incentive Time Act"; to provide for earned deductions from penitentiary and hard labor sentences and to establish certain criteria therefor; to create classifications for measurement of such deductions and eligibility therefor; to require minimum

sentences prior to parole eligibility; to authorize the commissioner of the department of corrections to restore certain portions of such deductions lost; to authorize the commissioner to issue, promulgate and implement such rules and regulations necessary to implement the provisions of this act; to specifically repeal Sections 14-9-1, 14-9-2, 14-9-4, 14-9-20, 14-9-21, 14-9-22, 14-9-23, 14-9-24 and 14-9-25 of the Code of Alabama 1975, and all laws or parts of laws conflicting with this act; to make certain exemptions from the provisions of this act for those persons presently serving as inmates in the penitentiary or at hard labor and for those who are convicted for crimes committed prior to the effective date of this act, so as to provide that such prisoners shall earn deductions from sentences as presently provided by law; and to provide habitual offenders shall not be eligible for any deductions from sentences.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 107. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 459. Relating to St. Clair County; providing for the hiring of certain personnel in the office of the sheriff in said county and prescribing salaries for such personnel.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the Alabama Senate
State Capitol
Montgomery, Alabama
Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill Number 459 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,
MICHAEL D. WATERS,
Legal Advisor.

DONE THIS 22nd DAY OF APRIL, 1980.

To the Senate of Alabama
State Capitol
Montgomery, Alabama
Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 459 without my signature and approval and with the following suggested Executive Amendment.

Following Section 2 on line 26, add new Section 3 as follows:

"Section 3. All salaries provided for in this Act shall be paid from county funds, and no state funds shall be expended for the purposes set forth in this Act."

Renumber the remaining sections accordingly.

The adoption of the above and foregoing suggested Executive Amendment will remove objections to this Bill.

Respectfully,

FOB JAMES,

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, S. B. 459, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 25, Nays 0.

And said Bill, S. B. 459, as thus amended by the Executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 25; Nays 0.

And said Bill, S.B. 459, together with the Executive amendment, is herewith sent to the House with its consideration.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Shoemaker, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 459, said Governor's amendment being set out in the above and foregoing Message from the Senate.

Yeas 18; Nays 0.

Yeas: Mr. Speaker, Adams (C), Bedsole, Carter, Crow, Gilmer, Horn, Kennedy, Minus, Naramore, Olive, Owens, Payne, Penry, Sasser, Venable, Whatley and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 459, as amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 28; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Bedsole, Bennett, Carter, Cates, Cheatwood, Clark (G), Gilmer, Grouby, Harper (T), Harvey, Hines, Horn, Kennedy, McMillan, Manley, Minus, Naramore, Olive, Owens, Payne, Penry, Sasser, Stewart, Turner, Venable and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Barron:

S. J. R. 169. COMMENDING MISS DONNA BARROW FOR BEING CHOSEN 1980 ALABAMA TEXTILE QUEEN.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Dixon, the rules were suspended and the House concurred in and adopted the resolution, S.J.R. 169, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs. Martin and Little:

S. J. R. 165. MOURNING THE DEATH OF WILLIAM KELLY LITRELL OF HARTSELLE, ALABAMA.

Also:

By Messrs. St. John, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith, Taylor, Teague, Vacca, Weeks, White.

S. J. R. 166. EXTENDING A WARM WELCOME TO A NATIVE SON, HONORABLE WAYNE MIXON, LIEUTENANT GOVERNOR OF FLORIDA.

Also:

By Mr. Miller:

S. J. R. 167. COMMENDING MRS. CHARLA ADKISON, OUTSTANDING SCIENCE TEACHER OF THE YEAR.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Roberts, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 165, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Venable, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 166, the title of which is set out in the above and foregoing Message from the Senate.

The resolution, S. J. R. 167, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Kirkland, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White.

S. J. R. 173. MOURNING THE DEATH OF MR. B. ROPER DIAL, PROMINENT BIRMINGHAM BUSINESSMAN AND CIVIC LEADER.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of Mr. B. Roper Dial of Birmingham, Alabama, on Friday, April 18, 1980, at the age of 69; and

WHEREAS, a retired career executive of the Sears, Roebuck and Company, and a longtime resident of Birmingham, Mr. Dial was the father of Mrs. Ann Louise Dial McMillan and the father-in-law of Lieutenant Governor George D. H. McMillan, with whom we deeply grieve, as with all members of Mr. Dial's family; and

WHEREAS, Mr. Dial was a member of Southside Baptist Church and was further involved, in service to others, as a member of the board of directors of the American Red Cross, Birmingham Urban League, Alabama State Chamber of Commerce, Alabama Council of Retail Merchants, Better Business Bureau, Operation New Birmingham, and the Birmingham Centennial Corporation; and

WHEREAS, he also was a past president of Alabama Hereford Breeders Association, director of Ebsco Industries, served on the advisory committee for Birmingham Trust National Bank-Bank for Savings and Trust, and was a member of the Board of Trustees of Samford University, The Club, Salvation Army, Birmingham Symphony Association and past chairman of the Birmingham Baptist Hospitals Board; and

WHEREAS, his many activities and involvement extended further to include membership in the Birmingham Kiwanis Club, the Monday Morning Quarterback Club, Vestavia County Club, Relay House and the Downtown Club; and

WHEREAS, in the death of Mr. B. Roper Dial, the City of Birmingham and, indeed, the entire State of Alabama, have lost an outstanding citizen whose contributions in business, civic and charitable affairs will long be remembered in deep appreciation of such sacrificial service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. B. Roper Dial and direct that copies of this resolution be provided for his wife, Mrs. Louise Davenport Dial, for his daughter, Mrs. Rebecca Dial Warner, and for our friends, Ann and George McMillan, and other family members with whom we share deep grief and sorrow.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. McCorquodale, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 173, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: deGraffenried, Cook, Robertson, Bailey, Barron, Britnell, Callahan, Clemon, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, St. John, Smith, Taylor, Teague, Vacca, Weeks and White.

S. J. R. 174. RECOGNIZING COACH CHARLES MARTIN NEWTON FOR EXTRAORDINARY ACHIEVEMENT AS HEAD BASKETBALL COACH FOR THE UNIVERSITY OF ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. McCorquodale, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 174, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Callahan, Barron, Harrison and Taylor.

S. J. R. 9. WHEREAS, millions of abortions have been performed in the United States since the decision of abortions by the United States Supreme Court on January 22, 1973, and

WHEREAS, the Congress of the United States has proposed to date a "human life amendment" to the Constitution of the United States.

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING that the Legislature of Alabama, 1980 Regular Session, applies to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution that would protect the lives of all human beings including unborn children at every stage of their biological development "and providing that neither the United States nor any state shall deprive any human being, from the moment of fertilization, of the right of life without due process of law, nor shall any state deny any human being, from the moment of fertilization, the equal protection of the laws, except where pregnancy results from rape or from incest; or where abortion is necessary to save the life of the mother; or where testing revealed abnormality or deformity of the fetus.

BE IT FURTHER RESOLVED, that this application shall constitute a continuing application for such a convention pursuant to Article V of the Constitution of the United States until such time as the Legislatures of two-thirds of the States shall have made like applications and such convention shall have been called by the Congress of the United States.

BE IT FURTHER RESOLVED, that copies of this concurrent resolution be presented to the President of the Senate of the United States, the Secretary of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to each member of the Congress from Alabama attesting the adoption of this concurrent resolution by the 1980 Regular Session of the Legislature of the State of Alabama.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 9, set out in the above and foregoing Message from the Senate.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Owens:

H. 1094. To further provide for taxation relating to the sale of alcoholic beverages; to levy an additional state sales tax on the sale of alcoholic beverages sold at retail by the Alcoholic Beverage Control Board or its stores; to provide that the revenues produced from the additional tax shall be collected by the Alcoholic Beverage Control Board and paid to the Department of Revenue for distribution in the manner as are other such taxes; to allow the Department of Revenue to retain a reasonable sum for the cost of collection and distribution of the net proceeds; to prescribe that the net proceeds generated by this act shall be distributed 2/3 to the municipalities and 1/3 to the counties in which the taxes are collected; to provide that the municipalities and counties shall redistribute the additional tax proceeds on the same pro rata basis as are other such taxes; to prohibit any municipality or county which receives proceeds pursuant to the provisions of this act from

levying any additional taxes on the sale of alcoholic beverages which would be collected by the Alabama Alcoholic Beverage Control Board or its stores; and to repeal all local taxes, municipal or county, on the sale of alcoholic beverages sold by the Alabama Alcoholic Beverage Control Board or its stores.

Ways and Means.

By Rep. Harper (T) (With Notice and Proof):

H. 1095. To provide for the repeal of Act No. 476, H. 638, Regular Session 1967 relating to the distribution of a portion of the proceeds of the motor vehicle license and registration fees and the proceeds of state gasoline taxes in Mobile County.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 1095, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, Clerk

By Rep. Harper (T) (With Notice and Proof):

H. 1096. Providing for the distribution of a portion of the proceeds of the motor vehicle license and registration fees and proceeds of state gasoline taxes between Mobile County and the municipalities located therein.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 1096, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Adams (C) and Whatley (With Notice and Proof):

H. 1097. Relating to Russell County; providing further for the compensation of the tax collector.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 1097, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Adams (C) and Whatley (With Notice and Proof):

H. 1098. Relating to Russell County; amending further Act No. 925, H. 1333, 1969 Regular Session (Acts 1969, p. 1663), which established a law library, so as to provide further for the expenditure of library funds.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 1098, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Dixon and Shoemaker:

H. 1099. To amend Sections 16-3-1, 16-3-5 and 16-3-8 of the Code of Alabama 1975, relating to the state board of education, so as to provide that the Lieutenant Governor and the Speaker of the House of Representatives shall be ex officio members of the state board of education; to provide that the ex officio members of the board shall have full voting powers; to provide that vacancies on said board among the elected members shall be filled by the governor for the unexpired term; to provide that elected members of said board shall receive per diem compensation for each day of actual service and actual traveling and other necessary expenses incurred, while the ex officio members shall be entitled to receive their actual traveling and other necessary expenses incurred in attending meetings and transacting the business of the board.

State Administration.

By Reps. Whatley and Adams (C)(With Notice and Proof):

H. 1100. Relating to Russell County; to provide that the county commission may authorize a salary supplement for the county district attorney.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 1100, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

RESOLUTIONS

The following resolutions were introduced:

By Rep. Patton:

H. J. R. 232. CREATING A SELECT INTERIM COMMITTEE ON JUVENILE JUSTICE.

WHEREAS, the rise in crimes involving juveniles has accelerated in recent years; and

WHEREAS, our youth are important to all Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a select interim committee on juvenile justice, composed of four members of the House of Representatives and three members of the Senate, appointed by the presiding officers of the respective bodies. The chairman and vice chairman of the committee shall be elected at the first meeting of the committee. The committee shall study all facets of the Alabama juvenile justice systems, including, but not limited to: juvenile law enforcement, juvenile probation services, the juvenile court system and the department of youth services, and laws and practices relating thereto, which the committee members deem pertinent to their study. The committee shall have subpoena powers and powers to punish for contempt. Upon the request of the chairman, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1981 Regular Session and each regular session thereafter. Each member of the committee shall be

entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee and the total expenses of the committee shall not exceed \$7,500.00.

On motion of Rep. Patton the rules were suspended and the resolution, H. J. R. 232, was adopted.

Also:

By Rep. Williams:

H. J. R. 233. COMMENDING THE "PRIDE OF THE SOUTH," THE DALEVILLE HIGH SCHOOL BAND.

WHEREAS, since 1976, the Daleville High School Band has been under the direction of Tony and Rhonda Whetstone and, since that time, this "Pride of the South" ensemble has dedicated itself to achievement through countless hours of determined and disciplined practice; and

WHEREAS, spending many extra hours in preparation for each performance, the Daleville High Band has truly reaped the rewards of their labors, receiving sixteen straight superior ratings just in the past two years alone; and

WHEREAS, in realizing this extraordinary accomplishment, the "Pride of the South" Band has been named "Superior" in competitions in Troy, Alexander City, Lake Martin, Andalusia, Birmingham, Midfield, and Lanett in Alabama and in Columbus, Georgia; Nashville, Tennessee; and Atlanta, Georgia; superior awards also have been won for Color Guard, Drum Major and Feature Twirler; and

WHEREAS, in 1978, the band was acclaimed a Superior Concert Band on the national level and has since sustained this national title; their two-year sweep of sixteen straight "superiors" also is a record held only by the Daleville Band in that area of our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Daleville High School's "Pride of the South" Band and direct that a copy of this resolution be forwarded to Directors Tony and Rhonda Whetstone on behalf of the entire band, with a copy of also provided for appropriate school display.

On motion of Rep. Williams the rules were suspended and the resolution, H. J. R. 233, was adopted.

Also:

By Reps. Williams and Gilmer:

H. J. R. 234. RECOGNIZING THE OUTSTANDING JUNIOR R.O.T.C. PROGRAM OF DALEVILLE HIGH SCHOOL.

WHEREAS, the outstanding Junior ROTC program at Daleville High School is conducted by Lieutenant Colonel (Retired) John H. Anderson and under whose leadership the unit has been ranked in the top 40 percent of all Alabama JROTC units for four years, and in the top 20 percent for five years; and

WHEREAS, to enhance the JROTC program and provide additional extracurricular activities, rifle teams are formed to compete both locally and statewide, and nationally as well; and

WHEREAS, the Daleville High School JROTC Rifle Team, dominating the rifle scene for many years, has won the Wiregrass Rifle Conference Championship for six consecutive years and the Marion Military Institute Invitational Match for five consecutive years; the team also won first place in the Tri-Cities Match five years and "Firsts," also, in the Wiregrass Navy Cup Match, Enterprise-Daleville Invitational Match, the Auburn Invitational and the Junior N. R. A Sectional Match at Fort Benning, Georgia; and

WHEREAS, further, they are the U.S. Army Training and Doctrine Command National Champions for Division 3 of the Junior ROTC and, on April 12, 1980, successfully defended their title of Alabama State Champions for the fourth year in a row; and

WHEREAS, Daleville High is indeed deserving of high praise for their outstanding ranking in Alabama's Junior ROTC program which is conducted in high schools throughout the state with the mission of developing good citizens and responsible leaders of tomorrow; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Daleville High School Junior ROTC unit for outstanding accomplishment and for numerous awards and honors in inter-unit competition

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate school display with a copy also sent to Lieutenant Colonel Anderson on behalf of his championship unit of Junior ROTC.

On motion of Rep. Williams, the rules were suspended and the resolution, H. J. R. 234, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Venable:

H. R. 235. COMMENDING VELMA W. WHETSTONE, TITUS FOR BEING ELECTED WOMAN OF THE YEAR, ABWA, YELLOWHAMMER CHAPTER.

Also:

By Reps. Bennett, Hilliard, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg,

Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. R. 236. COMMENDING THE BIRMINGHAM-SOUTHERN COLLEGE BASEBALL TEAM FOR ITS NUMBER ONE NATIONAL RANKING.

Also:

The following resolution was introduced:

By Rep. Daniels:

H. J. R. 237. EXTENDING THE LIFE OF THE JOINT LEGISLATIVE COMMITTEE TO STUDY THE REORGANIZATION OF THE ALABAMA PUBLIC SERVICE COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the life of the joint legislative committee to study the reorganization of the Alabama Public Service Commission created by Act 80-119, H. J. R. 106, 1980 Regular Session, is hereby extended. The membership of said committee shall continue as originally formed. Said committee shall report on the 6th legislative day of the 1981 Regular Session its findings, conclusions and recommendations regarding the reorganization of the Alabama Public Service Commission.

Said members shall be paid their actual mileage and receive their regular legislative pay for each meeting attended. There is hereby appropriated, \$7,500 to said committee.

MOTION TO SUSPEND RULES AND ADOPT LOST

The motion offered by Rep. Daniels to suspend the rules and adopt the resolution, H. J. R. 237, was lost, lacking a four-fifths vote.

Yeas 43; Nays 15.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Blake, Cabaniss, Carter, Cheatwood, Cooley, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Grimsley, Grouby, Hammett, Harper (O), Harvey, Holmes, Langford, Letson, McMillan, Manley, Minus, Moore, Olive, Owens, Penry, Reed, Roberts, Smith (C), Starkey, Stout, Turner, Warren, Whatley, Willis and Zoghby.

—43

Nays:

Reps.: Albright, Boles, Clark (W), Crow, Greer, Hall, Hilliard, Horn, Howard, Kennedy, McKee, Rains, Trammell, Tucker and Wyatt.

—15

The resolution, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Holmes:

H. R. 238. COMMENDING MR. JAMES HALL, ASSOCIATE EXECUTIVE DIRECTOR OF THE ALABAMA HIGH SCHOOL ATHLETIC ASSOCIATION.

Also:

The following resolution was introduced:

By Reps. Holmes, Kennedy and Buskey:

H. J. R. 239. COMMENDING DR. O. S. GUMBS, GRAND POLEMARCH OF KAPPA ALPHA PSI

WHEREAS, the Legislature of Alabama has noted the recent prestigious election of Dr. O. S. Gumbs of Mobile, Alabama, to the office of Grand Polemarch of Kappa Alpha Psi Fraternity, Incorporated; and

WHEREAS, this national presidency of Kappa Alpha Psi is a culmination of many offices held by Dr. Gumbs since his 1936 initiation into Alpha Gamma Chapter at Virginia Union University; and

WHEREAS, Dr. Gumbs who was engaged in the private practice of Medicine in Mobile for more than 25 years, has for the past six years been associated with the Mobile Mental Health Center as Director of the Gateway Drug Program, which serves the entire Southern half of our state, and also as physician-in-charge of the center's Chemotherapy Division; and

WHEREAS, a pre-med student at Cornell University, Dr. Gumbs also attended Virginia Union University where he was a Student Instructor of Chemistry and is a graduate of Meharry Medical College; and

WHEREAS, further deeply involved in business, community and civic affairs, he is a past vice president and organizer of Gulf Federal Savings and Loan Association, 1979 President of East Coast Realty, and is a past president also of both the 3G Developing Company and the three-state Gulf Coast Medical Society which he helped organize; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. O.S. Gumbs as one of our state's most prominent physicians and congratulate him as national president, Grand Polemarch, of Kappa Alpha Psi Fraternity, Incorporated.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Dr. Gumbs that he may know of our congratulations, warm praise and high regard.

On motion of Rep. Holmes, the rules were suspended and the resolution, H.J.R. 239, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the Special Order Calendar.

And the bill:

S. 493. Relating to Wilcox County; to provide certain expense allowances for the Tax Assessor and Tax Collector of said county and to repeal all conflicting statutes.

Was read a third time at length and passed.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Blake, Boles, Bowling, Carter, Cates, Clark (W), Cooley, Cosby, Crow, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Hines, Johnson (Roy), Kennedy, Laird, Letson, McKee, Minus, Mitchell, Moore, Naramore, Olive, Pegues, Rains, Reed, Roberts, Smith (C), Stewart, Stout, Trammell, Ward, Whatley, Williams, Willis and Wyatt.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 541. To provide for distribution of the share of in-lieu-of-taxes payments of T.V.A. for Marshall County and the appropriate municipalities therein.

Was read a third time at length and passed.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Blake, Carothers, Carter, Cates, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Holmes, Kelley, Laird, Letson, McKee, Minus, Mitchell, Moore, Naramore, Rains, Reed, Roberts, Smith (C), Starkey, Stewart, Stout, Venable, Ward, Whatley, Williams and Willis.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 543. Relating to Lowndes County; providing for clerical assistance for the tax assessor and tax collector of such county until September 1, 1980; and giving this act retroactive effect.

Was read a third time at length and passed.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Blake, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Hines, Holmes, Johnson (Roy), Kennedy, Laird, Langford, Letson, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Pegues, Reed, Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—56

And the bill:

H. 922. Relating to Houston County; to provide an expense allowance for the judge of probate and the revenue commissioner of said county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis and Wyatt.

—80

And the bill:

H. 932. Proposing an amendment to the Constitution of Alabama to provide for fire protection in Lee County; to authorize the establishment of firefighting districts for fire protection services.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—80

And the bill:

H. 933. (With Amendment): To authorize the Russell County Commission to levy a privilege or license tax on persons, corporations, co-partnerships, companies, agencies and associations selling, distributing, or delivering any malt or brewed beverages to retailers in Russell County, to authorize the county commission to collect the tax and to effect distribution thereof to Russell County to be used for the county commission to make rules and regulations to govern enforcement and collection of the tax; and to provide for the use of the proceeds derived from the tax.

Was taken up.

The question was then on the adoption of the amendment reported the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 933 in the Title, page 1, line 17 by adding after "County" the following words except within the city limits of Phenix City and Hurtsboro and two cents in the Phenix City police jurisdiction.

Further amend H. B. 933 in the Title, page 1, line 19 by adding after "system" the following words and the county general fund.

Further amend H. B. 933 in Section 1, page 1, line 27 by adding after "County" the following words, except within the city limits of Phenix City and Hurtsboro and two cents within the police jurisdiction of Phenix City.

Further amend H. B. 933 in Section 1, page 1, line 31 after the word "than" by striking two and adding in lieu thereof the following: four

Further amend H. B. 933 in Section 2, page 2, line 10 by adding after "used" the following word equally.

Further amend H. B. 933 in Section 2, page 2, line 11 by adding after "system" the following words and the county general fund.

And the amendment was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—80

And the bill:

H. 933. To authorize the Russell County Commission to levy a privilege or license tax on persons, corporations, co-partnerships, companies, agencies and associations selling, distributing, or delivering any malt or brewed

beverages to retailers in Russell County except within the city limits of Phenix City and Hurtsboro and two cents in Phenix City police jurisdiction, to authorize the county commission to collect the tax and to effect distribution thereof to Russell County to be used for the county school system and the county general fund; to authorize the county commission to make rules and regulations to govern enforcement and collection of the tax; and to provide for the use of the proceeds derived from the tax.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—80

And the bill:

H. 960. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Cowarts, in Houston County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—80

And the bill:

H. 1010. Relating to Cullman County, to provide for expense allowance for the Board of Registrars, Jury Commission, and Board of Equalization.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt.

—80

And the bill:

H. 1011. To amend Act No. 895, S. 775, Regular Session 1978 (Acts of Alabama 1978, p. 1332), providing for the salaries of certain county officers of Cullman County, so as to further provide that such salaries shall be in lieu of all other compensation, expense allowances, fees, commissions, percentages or other emolument of any nature whatsoever. Provided, however, said officers shall continue to receive additional compensation granted by certain portions of Acts of previous legislative sessions.

Was taken up.

AMENDMENT OFFERED

Rep. Cooley offered the following amendment to the bill, H. 1011:

In Section 1, page 1, immediately following subsection (g) on line 37, insert the following subsection (h):

“(h) Clerk of the Circuit Court

Such annal amount as is payable by the state as established under the general laws of the state in § 12-17-92(a), Code of Alabama 1975.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—80

And the bill, H. 1011 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—80

And the bill:

H. 1014. Relating to selling and redeeming lands for taxes in Walker County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—80

And the bill:

H. 1015. Relating to Walker County: To amend Sections 3, 4, 9 and 10 and repeal Sections 8, 11 and 12 of Act 356, S. 502, 1971 Regular Session approved August 19, 1971 (Acts 1971, p. 652) as amended, which provides for the construction, maintenance and repair of public roads and bridges in Walker County, so as to earmark ninety five percent of all revenue received by the Walker County Commission from the coal severance tax provided for in Act No. 598 H. 643, 1977 Regular Session (Acts 1977 p. 799) for use and the maintenance in construction of roads in Walker County effective October 1, 1978; so as to provide funds in the County road and bridge fund equally among the commission districts of the county; and, so as to make certain powers vested in the county engineer, subject to the approval of a majority of the members of the County Commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—80

And the bill:

H. 1016. To amend Act No. 79-680, H. 1001, 1979 Regular Session (Acts 1979, p. 1211) to provide that supplemental salary for circuit judges paid by the County comprising the Fourteenth Judicial Circuit, shall not be considered in determining relationship between Circuit Clerk and District Judges and Circuit Judges of the Fourteenth Judicial Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

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And the bill:

H. 1017. (Acts of 1973, p. 1098) as amended, "To revise and reenact Act No. 1504, S. 1103, Regular Session 1971, (Acts 1971, page 2589, Vol IV), entitled 'Relating to counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the fee for issuance of a pistol permit by the sheriff, and providing for the disposition and use of such fees'; so as to transfer \$150 per month from the law enforcement fund to the district attorney's funds in such counties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—80

And the bill:

H. 1018. To levy a finance charge or a tax of five cents per acre to be assessed against lands located in Walker County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Walker County; and prescribing the procedure for the collection of such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—80

And the bill:

H. 1019. To authorize the Wilcox County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon,

Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—80

And the bill:

H. 1026. To allow prospective jurors in capital cases to be excused without the presence of the defendant in the Twenty-first Judicial Circuit of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—80

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Brakefield voting "Yea" on the bills, H. 1014, H. 1015, H. 1016, H. 1017 and H. 1018.

And the bill:

H. 1027. Relating to Escambia County; to further provide for the compensation of the board of registrars.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—80

And the bill:

H. 1028. To amend Section 1 of Act No. 594, H. 991, Regular Session 1965 (Acts of Alabama 1965, p. 1115), so as to further provide for the compensation of the Escambia County board of equalization.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—80

And the bill:

H. 1029. Relating to Escambia County; providing further for the compensation of the chairman and members of the county commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—80

And the bill:

H. 1030. Relating to Escambia County; to provide for an expense allowance for the sheriff of the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—80

And the bill:

H. 1031. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Escambia County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—80

And the bill:

H. 453. To amend Section 36-22-16 of the Code of Alabama, 1975, to provide for the compensation of the sheriffs of the several counties in this state with a retroactive effective date.

Was taken up.

AMENDMENT OFFERED

Rep. Manley offered the following amendment to the bill, H. 453:

Amend House Bill 453, Section 1, page 1, line 30, by adding after the words "higher" the words or lower.

Further amend House Bill 453, Section 1, page 1, lines 31 and 32, by adding after the word "law" the words by general or local act heretofore or.

MOTION TO TABLE LOST

The motion offered by Rep. Biddle to table the amendment offered by Rep. Manley to the bill, H. 453, was lost.

Yeas 21; Nays 38.

Yeas:

Reps.: Biddle, Brakefield, Cabaniss, Coburn, Drinkard, Ford, Gafford, Gregg, Holmes, Johnson (R. G.), Johnson (Roy), Langford, McMillan, Minus, Moore, Olive, Payne, Riddick, Venable, Waggoner and Warren.

—21

Nays:

Mr. Speaker, Adams (H), Albright, Barton, Bennett, Blake, Carothers, Carter, Cheatwood, Cooley, Cosby, Crow, Edwards, Gilmer, Greer, Grimsley, Hall, Hammett, Harper (O), Harvey, Laird, McKee, Manley, Owens, Pegues, Penry, Rains, Ray, Reed, Smith (C), Starkey, Stout, Trammell, Ward, Whatley, Williams, Wyatt and Zoghby.

—38

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Manley to the bill, H. 453, and the amendment was adopted.

Yeas 59; Nays 6.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Johnson (R. G.), Kennedy, Laird, McKee, McMillan, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stout, Trammell, Turnham, Waggoner, Ward, Whatley, Williams, Wyatt and Zoghby.

—59

Nays:

Reps.: Albright, Holmes, Johnson (Roy), Langford, Minus and Payne.

—6

H. 453 TEMPORARILY POSTPONED

On motion of Rep. Biddle, the bill, H. 453 as amended, was temporarily postponed.

And the bill:

H. 488. To make it a felony to falsify any claim or application for payment or benefits from Medical Service Administration or to knowingly assist in the preparation of false claims; to make it a felony to offer, pay, solicit or receive kickbacks, bribes or rebates for referring, furnishing, arranging, purchasing, leasing or ordering any good, item, service or facility for which any payment may be made by Medical Services Administration.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—84

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill H. 488.

Reps.: Adams (C), Adams (H), Barton, Bennett, Blake, Bowling, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Cooley, Cosby, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Hilliard, Holmes, Howard, Johnson (Roy), Laird, Langford, McKee, McMillan, Mitchell, Naramore, Olive, Owens, Patton, Payne, Penry, Rains, Ray, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Tucker, Turner, Turnham, Warren, Williams and Wyatt.

And the bill:

H. 164. (With Substitute): To temporarily re-open the Employees' Retirement System of Alabama for prior service for certain members in certain counties; providing that as a prerequisite to obtain such credit, said members must, on October 1, 1980, be an active and contributing member of the Employees' Retirement System of Alabama; and providing that this Act shall take effect October 1, 1980.

Was taken up.

The question was then on the adoption of the substitute report by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To re-open the Teachers' and Employees' Retirement Systems of Alabama for non-membership service; to provide that as a prerequisite to obtain such credit, said members must be active and contributing members of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama; and to provide that this Act shall take effect October 1, 1980.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever used in this Act, all words and phrases defined in Code of Alabama 1975, Section 36-27-1, shall have the same meanings ascribed to them in such section, unless the context clearly indicates that a different meaning is intended.

Section 2. Any active and contributing member of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama, who is an active member of either system, and who has rendered eligible service to any employer covered under with system, may hereby claim and purchase credit for any such prior service as an employee of any such employer.

Section 3. Any member eligible to claim and purchase credit for service under Section 2 hereof, shall be awarded such credit under the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama provided he shall pay to the Secretary Treasurer of his respective Retirement System prior to said member's date of retirement a sum equal to a percentage of his current annual earnable compensation; the applicable percentage of his current annual earnable compensation shall be the sum of the prevailing percentage rates of employer and member contributions, as required by the most recent actuarial valuation.

Section 4. The provisions of this Act are cumulative and shall not be construed to repeal or supersede any laws or parts of laws not directly inconsistent herewith.

Section 5. This Act shall take effect October 1, 1980.

And the substitute was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, McMillan, Minus, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Warren, Whatley, Williams, Wyatt and Zoghby.

—64

AMENDMENT OFFERED

Rep. Edwards offered the following amendment to the bill, H. 164 as amended:

On page 1, line 15, strike the period and insert in lieu thereof:
, and for certain military service.

On page 1, line 28, strike the semicolon and insert in lieu thereof:
and certain military service;

On page 2, at the end of line 11, insert the following:

Any active and contributing member of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama, who is an active member of either system, may claim and purchase up to four years' credit for United States military service.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hines, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, McKee, McMillan, Manley, Minus, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnam, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—81

AMENDMENT OFFERED

Rep. Wyatt offered the following amendment to the bill, H. 164 as amended:

Amend Substitute to H.B. 164 on page 2, line 18 by striking the word "a" before sum and the remainder of Section 3 and substituting in lieu thereof, the following:

A sum equal to the total contributions which he has withdrawn plus compound interest of eight percent on such contributions from the date of withdrawal.

AMENDMENT TABLED

On motion of Rep. Grouby, the amendment offered by Rep. Wyatt to the bill, H. 164 as amended, was tabled.

Yeas 39; Nays 30.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Bowling, Brakefield, Cabaniss, Campbell, Carter, Clark (W), Coburn, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Grouby, Hammett, Harrison, Harvey, Johnson (R. G.), McKee, Minus, Olive, Owens, Payne, Pegues, Ray, Roberts, Sasser, Shoemaker, Stewart, Stout, Venable, Waggoner and Willis.

—39

Nays:

Reps.: Albright, Blake, Buskey, Cheatwood, Cobb, Cooley, Crow, Greer, Grimsley, Hall, Harper (O), Hines, Holley, Holmes, Howard, Johnson (Roy), Kennedy, Laird, Langford, McMillan, Penry, Rains, Smith (C), Starkey, Trammell, Tucker, Turner, Turnham, Warren and Wyatt.

—30

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Manley to indefinitely postpone the bill, H. 164 as amended and with pending amendment was lost.

Yeas 24; Nays 57.

Yeas:

Mr. Speaker, Adams (C), Bowling, Clark (G), Cosby, Drinkard, Gilmer, Gregg, Grimsley, Hall, Hammett, Harvey, Hilliard, Hines, Horn, Howard, Manley, Olive, Pegues, Penry, Ray, Tucker, Turner and Whatley.

—24

Nays:

Reps.: Albright, Amari, Barton, Bennett, Blake, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Dial, Dixon, Edwards, Ford, Goodwin, Greer, Grouby, Harper (O), Harper (T), Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Owens, Payne, Rains, Reed, Roberts, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turnham, Venable, Ward, Warren, Willis and Wyatt.

—57

H. 164 TEMPORARILY POSTPONED

On motion of Rep. Pegues, the bill, H. 164 as amended and with pending amendment was temporarily postponed.

And the bill:

H. 558. (With Substitute) (With Amendment): To authorize and provide for the incorporation of the Alabama Housing Finance Authority for the purpose of making available at lower interest rates funds for the financing of owner-occupied, single family dwelling units for low and moderate income families; to provide for the members, officers and directors of the Authority; to provide for the powers, authorities and duties of the Authority and its board of directors; to authorize the Authority to purchase notes and other instruments evidencing indebtedness secured by mortgages, deeds of trust, and other instruments granting security interests on such single family dwelling units for low and moderate income families and to make loans to mortgage lenders for making such loans; to authorize the Authority to foreclose such mortgages, deeds of trust, or other security interests and exercise all other rights in the enforcement thereof and in realizing upon the security provided thereby; to authorize the Authority to make contracts with others for the origination and servicing of such loans represented by notes or other instruments evidencing such loans; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and

other interest-bearing securities, payable solely out of the revenues derived from or referable to any notes or other instruments purchased by the Authority, loans made to mortgage lenders and from any of its other property; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of revenues from which they are payable, by contracts binding the Authority to the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the employment by the Authority of such employees and agents as its business may require; to provide for the taking out by the Authority of various types of insurance and the creation of various reserves; to provide for the investment of the funds of the Authority; to authorize the sale or conveyance by the Authority of any of its properties; to provide for the use of the proceeds of any such securities issued by the Authority; to provide for the refunding of securities theretofore issued by the Authority; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for various governmental bodies and fiduciaries; to exempt the property and income of the Authority and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Authority is a party, from all taxation in the State; to exempt the Authority from taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to judges of probate; to exempt the Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt the Authority from all laws of the State requiring competitive bids for contracts to be entered into by public corporations; to exempt the Authority from the supervision and control of any State agency; and to provide for the disposition of the earnings, if any, of the Authority.

Was taken up.

SUBSTITUTE OFFERED

Rep. Kelley offered the following substitute to the bill, H. 558 with pending substitute reported by the Standing Committee on State Administration:

A BILL TO BE ENTITLED AN ACT

To authorize and provide for the incorporation of the Alabama Housing Finance Authority for the purpose of making available at lower interest rates funds for the financing of single and multi-family dwelling units for low and moderate income families; to provide for the members, officers and directors of the Authority; to provide for the powers, authorities and duties of the Authority and its board of directors; to provide for the appointment of a committee advisory to the board of directors; to authorize the Authority to purchase notes and other instruments evidencing indebtedness secured by mortgages, deeds of trust, and other instruments granting security interests in such single and multi-family dwelling units for low and moderate income families and to make loans to mortgage lenders for making such loans; to authorize the Authority to foreclose such mortgages, deeds of trust, or other

security interests and exercise all other rights in the enforcement thereof and in realizing upon the security provided thereby; to authorize the Authority to make contracts with others for the origination and servicing of such loans represented by notes or other instruments evidencing such loans; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable out of the revenues and property of the Authority; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority to the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on property of the Authority; to provide for the employment by the Authority of such employees and agents as its business may require; to provide for the taking out by the Authority of various types of insurance and the creation of various reserves; to provide for the investment of the funds of the Authority; to authorize the sale or conveyance by the Authority of any of its properties; to provide for the use of the proceeds of any such securities issued by the Authority; to provide for the refunding of securities theretofore issued by the Authority; to provide that the Authority may not issue bonds (other than refunding bonds) subsequent to December 31, 1982, except as authorized by Act of the Legislature regularly enacted into law; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for various governmental bodies and fiduciaries; to provide for the applicability of certain provisions of the Alabama Uniform Commercial Code to certain transactions entered into by the Authority; to exempt the property and income of the Authority and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to judges of probate; to exempt the Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt the Authority from all laws of the State requiring competitive bids for contracts to be entered into by public corporations; to exempt the Authority from the supervision and control of any State agency; to provide for the disposition of the earnings, if any, of the Authority; and to provide that members of the board of directors of the Authority shall disclose potential conflicts of interest and refrain from participating in actions or proceedings in which they have an interest.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Findings and Declaration of Purpose. It is hereby found and declared that from time to time there has existed and at the present time there exists an inadequate supply of funds at interest rates sufficiently low to enable the financing of safe and sanitary single and multi-family dwelling units for citizens of this State with low and moderate income; that the inability to finance such single and multi-family dwelling units results in an inability of builders to construct such housing causing unemployment or underemployment in the housing construction and related businesses and causes a lack of safe and sanitary housing to be available to persons of low and moderate income; that such unemployment or underemployment in the housing construction and related businesses and an inadequate supply of safe

and sanitary housing for persons of low and moderate income wastes human resources, increases the public assistance burden of the State, impairs the security of family life, impedes the economic and physical development of the State, adversely affects the welfare and prosperity of all of the people of the State and accordingly creates and fosters conditions adverse to the general health and welfare of the citizens of the State; that the making available in the manner provided in this Act of a more adequate supply of funds at interest rates sufficiently low to enable the financing of safe and sanitary single and multi-family dwelling units for citizens of low and moderate income will result in the alleviation or reduction of the adverse consequences which have resulted and may result from continued unemployment and underemployment in the housing construction and related businesses and the inadequate supply of such housing for persons of low and moderate income. It is hereby further found and determined that the conditions adverse to the general health and welfare of the citizens of the State as noted above can best be solved by a cooperative effort as provided herein between the Authority acting on behalf of the State and those engaged in the business of making mortgage loans and such is the purpose of this Act and it is not the intent of the legislature that the Authority have the power to make direct loans to individuals or to acquire or construct housing units for lease or sale or that the Authority have urban development or slum clearance functions, although its functions under this Act are expected to be complementary to and supportive of those functions.

Section 2. Definitions. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

"Authority" means the public corporation organized pursuant to the provisions of this Act.

"Authorized Investments" means bonds or other obligations of or guaranteed by, the United States of America or the State, or interest bearing bank and savings and loan association deposits, or any thereof.

"Bonds" means and shall include bonds or other securities representing an obligation to pay money.

"Board of Directors" means the Board of Directors of the Authority.

"Eligible Housing Unit" means real and personal properties located in the State constituting a single or multi-family dwelling unit for occupancy by Low and Moderate Income Families.

"Low and Moderate Income Families" means persons and families of one or more persons, irrespective of race, creed, national origin or sex, determined by the Authority to require such assistance as is made available by this Act on account of insufficient personal or family income taking into consideration, without limitation, such factors as follows: (a) the amount of the total income of such persons and families available for housing needs, (b) the size of the family, (c) the cost and condition of housing facilities available, (d) the ability of such persons and families to compete successfully in the normal private housing market and to pay the amount at which private enterprise is providing sanitary, decent and safe housing, and (e) if appropriate, standards established for various Federal programs with respect to housing determining eligibility based on income of such persons and families.

"Mortgage Lenders" means national banking associations, banks chartered under the laws of the State, savings or building and loan associations chartered under the laws of the State or of the United States of America, Federal National Mortgage Association approved mortgage bankers, and Federal or State credit unions, and shall include other financial institutions or governmental agencies which customarily originate or service Mortgage Loans and Mortgages.

"Mortgage Loans" means notes and other evidences of indebtedness secured by Mortgages.

"Mortgaged Property" means all properties, real, personal and mixed, and all interests therein including grants or subsidies with respect thereto, mortgaged, pledged or otherwise provided in any manner as security for (i) Mortgage Loans or (ii) loans to Mortgage Lenders.

"Mortgages" means mortgages, deeds of trust and other instruments granting security interests in real and personal properties constituting Eligible Housing Units.

"Multi-Family Loans" means mortgages on Eligible Housing Units constituting residential dwelling units leased to or occupied by more than one family unit.

"Single Family Mortgage Loans" means mortgages on Eligible Housing Units constituting residential dwelling units occupied as the principal residence of the owner mortgager by a single family unit, including, without limitation, detached single family houses, attached family houses or townhouses, and condominium units within larger structures.

"State" means the State of Alabama.

Section 3. Use of Phrases. The following provisions shall be applied wherever appropriate herein:

"Herein", "hereby", "hereunder", "hereof", and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used.

The definitions set forth in Section 2 hereof shall be deemed to include both singular and plural and to cover all genders.

Section 4. Incorporation of the Authority Authorized.

(a) The five persons initially designated by the Governor as members of the Authority may become a corporation with the power and authority hereinafter provided by proceeding according to the provisions of this Act. To become a corporation, the persons so designated shall present to the Secretary of State of the State an application signed by them which shall state:

(1) That the applicants propose to incorporate the Authority pursuant to this Act;

(2) The name and official residence of each of the applicants;

(3) The date on which each applicant was appointed as a member by the Governor and the expiration date of the term for which he was appointed;

(4) The name of the proposed corporation, which shall be "Alabama Housing Finance Authority";

(5) The location of the principal office of the proposed corporation, which shall be in the City of Montgomery; and

(6) Any other matter relating to the Authority which the applicants may choose to insert and which is not inconsistent with this Act or the laws of the State.

(b) The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the State to take acknowledgments to deeds. The Secretary of State shall examine the application, and if the Secretary of State finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

(c) When the application has been made, filed and recorded as above provided, the applicants shall constitute a corporation under the name stated in the application, and the Secretary of State shall make and issue to the applicants a certificate of incorporation pursuant to this Act, under the great seal of the State, and shall record the certificate with the application. There shall be no fee paid to the Secretary of State for any work done in connection with the incorporation or dissolution of the Authority.

Section 5. Members, Officers, and Directors; Meetings of Board of Directors; Record of Proceedings; Copies of Proceedings as Evidence; Members, Officers and Directors not Personally Liable. (a) The applicants named in the application and their respective successors in office shall constitute the members of the Authority. The Governor shall, as soon as convenient after passage of this Act, appoint the initial five members of the Authority, and at the expiration of the terms for which they are appointed or the existence of a vacancy, their successors. Each member or successor shall be a citizen of the State, of good reputation and at the time of their appointment one of such members shall be engaged in the business of home building, one shall be a licensed real estate broker, one shall be engaged in the business of lending money on the security of mortgages on residential property or the officer or employee of a Mortgage Lender, one shall be an elected commissioner of a county in the State, and one shall be an elected mayor of a municipality in the State. The members first appointed shall be appointed for terms of one, two, three, four and five years respectively, and the Governor in the appointment shall designate the expiration date of the term of the member. Their respective successors shall be appointed for the remainder of any unexpired term or, if appointed at the expiration of a term, for terms of five years. Each member shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. A member, director or officer of the Authority may be impeached or removed from office in the same manner and on the same grounds as provided in Section 175 of the Constitution of Alabama and the general laws of the State relating to the impeachment and removal of public officers.

(b) The members of the Authority shall constitute all the members of the Board of Directors of the Authority, in which all powers of the Authority shall be vested, and any three members of the Board of Directors shall constitute a quorum for the transaction of business.

(c) The Board of Directors shall elect from among its members, a Chairman, a Vice-Chairman, a Secretary, a Treasurer and such other officers as it may determine. The Board of Directors may also elect an Assistant Secretary and an Assistant Treasurer, who need not be members of the Board of Directors.

(d) Regular meetings of the Board of Directors shall be held at such time and place as shall be fixed by resolution of the Board of Directors and special meetings of the Board of Directors shall be held at the call of the Chairman or whenever two members of the Board of Directors so request. Any action taken by the Authority under the provisions of this Act may be authorized by resolution approved by at least three of the directors present at any regular or special meeting. No member, officer or director of the Authority shall receive any salary therefor, but he may be reimbursed for necessary travel and the reasonable expenses of performing the duties of office. All proceedings had and done by the Board of Directors shall be reduced to writing by the Secretary or Assistant Secretary of the Authority, shall be signed by at least three directors and shall be recorded in a substantially bound book and filed in the office of the Authority. Copies of such proceedings, when certified by the Secretary or Assistant Secretary of the Authority under the seal of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

(e) No member, officer, director or employee shall be personally liable for the obligations or acts of the Authority.

(f) The Board of Directors shall appoint an Advisory Committee of representatives from the housing finance industry to provide recommendations to the Board concerning efficient operation of the Authority. The Advisory Committee shall present recommendations concerning management of the Authority, allocation and processing of funds, the handling and servicing of mortgages made under this program, and other matters as directed by the Board. The Advisory Committee shall consist of ten members who are resident citizens of Alabama. Two members of the committee shall be actively engaged in the savings and loan association business; two shall be actively engaged in the home building business; two shall be actively engaged in the mortgage banking business; two shall be realtors; one shall be an elected commissioner of a county in the State; and one shall be an elected mayor of a municipality in the State. The Advisory Committee shall serve at the pleasure of the Board of Directors.

Section 6. Powers of the Authority. The Authority shall have the following powers:

(1) To have succession by its corporate name until the principal of and interest on the Bonds shall have been fully paid and until it shall have been dissolved as provided in Section 20 hereof;

(2) To sue and be sued and to prosecute and defend in any court having jurisdiction of the subject matter and of the parties thereto;

(3) To adopt and use a corporate seal and to alter the seal at pleasure;

(4) To establish a fiscal year;

(5) To maintain an office in the City of Montgomery;

(6) To adopt, and from time to time amend and repeal, bylaws and rules and regulations, not inconsistent with this Act, to carry into effect the powers and purposes of the Authority in the conduct of its business;

(7) To purchase Mortgage Loans from Mortgage Lenders;

(8) To contract with Mortgage Lenders for the origination of or the servicing of Mortgage Loans to be made by such Mortgage Lenders and the servicing of the Mortgages securing such Mortgage Loans;

(9) To make loans to Mortgage Lenders, provided that (i) the proceeds of such loans shall be required to be used by such Mortgage Lenders for the making of Mortgage Loans, and (ii) the Mortgages in connection with the Mortgage Loans so made, together with any additional security required by the Authority, shall be mortgaged, pledged, assigned or otherwise provided as security for such loans to Mortgage Lenders;

(10) To exercise any and all rights accorded to the owner and holder of a Mortgage under and in accordance with the terms of said instruments and the applicable laws of the State with respect to the Mortgaged Property, directly or through Mortgage Lenders or others acting on behalf of the Authority or on behalf of the holders of its Bonds, including, but without limitation, the power to foreclose, to sell the equity of redemption, to purchase the equity of redemption and otherwise to sell and dispose of the Mortgaged Property, all as shall seem in the best interests of the Authority and the holders of its Bonds;

(11) To sell and issue Bonds in order to provide funds for any corporate function, use or purpose;

(12) To mortgage, pledge, assign or grant security interests in any or all of its Mortgage Loans, Mortgages and its interests created thereby in the underlying real and personal properties covered by such mortgages as security for the payment of the principal of and interest on any Bonds issued by the Authority, or as security for any agreements made in connection therewith, whether then owned or thereafter acquired, and to pledge the revenues from which said Bonds are payable as security for the payment of the principal of and interest on said Bonds and any agreements made in connection therewith;

(13) To establish such reserves from the proceeds of any issue of Bonds or from revenues of the Authority as the Board of Directors shall determine to be necessary and desirable in connection with the payment and retirement of the Bonds of the Authority or in connection with any other purpose, power or function of the Authority;

(14) To execute and deliver, in accordance with the provisions of this section and of Section 8 hereof, mortgages and deeds of trust and trust indentures, or either;

(15) To appoint, employ, contract with, and provide for the compensation of, such employees, attorneys, fiscal advisers, and agents as the business of the Authority may require;

(16) To provide for such insurance as the Board of Directors may deem advisable, including, but without limitation, casualty insurance, mortgage payment guarantee insurance and bond insurance;

(17) To invest in Authorized Investments any funds of the Authority that the Board of Directors may determine are not presently needed for other uses, purposes or functions of the Authority;

(18) To enter into a management agreement or agreements with any person, firm or corporation for the performance by said person, firm or corporation for the Authority of any of its functions or powers upon such terms and conditions as may be mutually agreeable;

(19) To sell, exchange and convey any or all of its properties whenever its Board of Directors shall find any such action to be in furtherance of the purposes for which the Authority was organized; and

(20) To make, enter into and execute such contracts, agreements, leases and other instruments and to take such other actions as may be necessary or desirable to accomplish any purpose for which the Authority is organized or to exercise any power granted hereunder.

Section 8. Bonds of the Authority.

(a) General. The Authority may from time to time issue its negotiable Bonds in such principal amounts as, in the opinion of the Authority, shall be necessary to provide sufficient funds for achieving the corporate purposes thereof, the payment of interest on Bonds of the Authority, establishment of reserves to secure such Bonds and all other expenditures of the Authority incident to and necessary or convenient to carry out its corporate purposes and powers.

(b) Sources of Payment. Bonds issued by the Authority shall be payable solely out of revenues or property of the Authority specified in the resolutions authorizing the issuance of such Bonds. To the extent permitted by any contracts with the holders of outstanding Bonds and any other contractual obligations or requirements, the Authority may pledge any or all of its revenues or mortgage or assign any or all of its assets (whether real or personal and whether tangible or intangible) to secure the payment of any of its Bonds.

Revenues and property out of which Bonds may be payable shall include, without limitation, (i) payments of principal, interest, premiums and penalties in respect to Mortgage Loans, loans to Mortgage Lenders, Mortgages and Mortgaged Property, (ii) proceeds referable to the foreclosure of Mortgages or otherwise realizing, by any and all means, upon any Mortgaged Property, (iii) payments made in redemption of the equity of such Mortgages or similar payments with respect to any redemption of Mortgaged Property, (iv) proceeds from the leasing or sale of property which was formerly Mortgaged Property and which was acquired in the process of enforcing Mortgage Loans or loans to Mortgage Lenders, (v) proceeds from the sale of Mortgage Loans, loans to Mortgage Lenders, Mortgages and Mortgaged Property, (vi) insurance proceeds referable to Mortgage Loans, loans to Mortgage Lenders, Mortgages and Mortgaged Property, including, but without limitation, proceeds from casualty insurance and mortgage payment guarantee insurance, (vii) proceeds from bond insurance, (viii) grants or subsidies available in connection with any of the foregoing, or (ix) any of the foregoing sources of revenues as may be designated in the proceedings of the Board pursuant to which the Bonds shall be authorized to be issued.

(c) Pledge of Revenues and Other Security. The principal of and interest on any Bonds issued by the Authority may be secured by a pledge of the revenues out of which the same are payable and may be secured by a trust indenture evidencing such pledge or by a foreclosable mortgage and deed of trust conveying as security for such Bonds all or any part of the property of the Authority from which the revenues so pledged may be derived. The resolution under which the Bonds are authorized to be issued or any such trust indenture of mortgage may contain any agreements and provisions respecting the maintenance and insurance of the property covered by such trust indenture or mortgage, the use of the revenues subject to such trust indenture or mortgage, the creation and maintenance of special funds from such revenues, the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made and the rights and remedies available in the event of default as the Authority shall deem advisable and which are not in conflict with the provisions of this Act.

(d) Execution. All Bonds issued by the Authority shall be signed by the Chairman or Vice Chairman of its Board of Directors and attested by its Secretary or Assistant Secretary and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to the Bonds of the Authority shall be signed by the Chairman or Vice Chairman of its Board of Directors; provided, that a facsimile of the signature of either the signing or the attesting officer, but not both, may be printed or otherwise reproduced on any such Bonds in lieu of his manually signing the same, a facsimile of the seal of the Authority may be printed or otherwise reproduced on any such Bonds in lieu of being manually affixed thereto, and a facsimile of the signature of the Chairman or Vice Chairman of the Board of Directors may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same.

(e) General Provisions Respecting Form, Interest Rate, Maturities, Sale and Negotiability of Bonds. Any such Bonds may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denomination or denominations and of such tenor and maturity or maturities, shall contain such provisions not inconsistent with the provisions of this Act, and shall bear such rate or rates of interest, payable at such place or places, either within or without the State, and evidenced in such manner, as may be provided by resolution of the Board of Directors. Bonds of the Authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the Board of Directors to be most advantageous. The Authority may pay all expenses, premiums and commissions in connection with any financing done by it. All Bonds of the Authority (including refunding Bonds), except Bonds registered as to principal or as to both principal and interest, and any interest coupons applicable thereto issued by the Authority shall be construed to be negotiable instruments although payable solely from a specified source.

(f) No State Debt or Obligation. All obligations created and all Bonds issued by the Authority shall be solely and exclusively an obligation of the Authority and shall not create an obligation or debt of the State.

Section 9. Proceeds from the Sale of Bonds. All moneys derived from the sale of any Bonds issued by the Authority shall be used solely for the purpose or purposes for which the same are authorized, including costs and expenses of issue. Such costs and expenses may include but shall not be limited to (1) the fiscal, legal and other expenses incurred in connection with the issuance of the Bonds, and (2) except in the case of refunding Bonds, interest to accrue on such Bonds for a period ending not later than two (2) years from their date.

Bonds shall be issued in series, each of which shall be separately designated in the proceedings authorizing their issuance. The Board of Directors in the proceedings authorizing a series of Bonds (other than refunding Bonds) shall specify the purposes for which the proceeds of such series shall be used. The proceeds of a series of Bonds shall be used either for making, directly or indirectly, Single Family Mortgage Loans or for making, directly or indirectly, Multi-Family Mortgage Loans, and the proceeds of a single series of Bonds shall not be used for both Single Family Mortgage Loans and Multi-Family Mortgage Loans. Separate series of Bonds may be issued at the same time. No series of Bonds the proceeds of which are to be used for Multi-Family Mortgage Loans shall be actually issued prior to January 1, 1981, although the Authority may enter into agreements or commitments with regard to the issuance of such Bonds prior to January 1, 1981.

In the proceedings authorizing any Bonds (other than refunding Bonds) the proceeds of which are to be applied, directly or indirectly, to the making of Single Family Mortgage Loans, the Board of Directors shall specify the portion of the proceeds thereof which the Board of Directors has determined are to be used for the providing funds with respect to the making, directly or indirectly, of such Mortgage Loans, and of such portion shall allocate (i) a minimum of 80% of such proceeds to the making of Mortgage Loans with respect to new and previously unoccupied Eligible Housing Units, and (ii) not exceeding 20% of such proceeds to the making of Mortgage Loans for existing Eligible Housing Units and for the purchase of existing Mortgage Loans with respect to Eligible Housing Units; provided, that if the Authority determines, after sixty days from the date of issuance of any series of Bonds issued for the purpose of financing Single Family Mortgage Loans, that the proceeds of such series have not been expended or committed to be expended for Mortgage Loans with respect to new and previously unoccupied Eligible Housing Units, then such proceeds may be used to finance any Single Family Mortgage Loans.

Section 10. Refunding Bonds. Any Bonds issued by the Authority may from time to time be refunded by the issuance, by sale or exchange, of refunding Bonds payable from the same or different sources for the purpose of paying all or any part of the principal of the Bonds to be refunded, any redemption premium required to be paid as a condition to the redemption prior to maturity of any such Bonds that are to be so redeemed in connection with such refunding, any accrued and unpaid interest on the Bonds to be refunded, any interest to accrue on each Bond to be refunded to the date on which it is to be paid, whether at maturity or by redemption prior to maturity, and the expenses incurred in connection with the refunding; provided, that unless duly called for redemption pursuant to provisions contained therein, the holders of any such Bonds then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding Bonds for such refunding. Any refunding Bonds may be sold by the Authority at public or private sale at such price or prices as may be determined by its Board of Directors to be most advantageous, or may be exchanged for the Bonds to be refunded. Any such refunding Bonds may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denomination or denominations and of such tenor and maturity or maturities, shall contain such provisions not inconsistent with the provisions of this Act, and shall bear such rate or rates of interest, payable at such place or places, either with or without the State, and evidenced in such manner, as may be provided by resolution of the Board of Directors.

Any refunding Bonds issued by the Authority shall be issued and may be secured in accordance with the provisions of Section 8 of this Act.

Section 11. Limitation of Issuance of Bonds. Notwithstanding any other provision of this Act to the contrary, the Authority shall not issue any Bonds, other than refunding Bonds, subsequent to December 31, 1982, except as authorized by Act of the Legislature regularly enacted into law.

Section 12. Bonds of Authority Eligible for Investment. The State Treasurer may invest any idle or surplus moneys of the State in Bonds of the Authority. The governing body of any county or municipality is authorized in its discretion to invest any idle or surplus money held in its treasury in Bonds of the Authority. Such Bonds shall be legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the

court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority, and for savings banks and insurance companies organized under the laws of the State.

Section 13. Applicability of Certain Provisions of Alabama Uniform Commercial Code. The provisions of Code of Alabama 1975, § 7-9-104(1), to the contrary notwithstanding, the provisions of Article 9 of the Alabama Uniform Commercial Code (Code of Alabama 1975, §§ 7-9-101, et seq.) shall apply with full force and effect to any security interest (whether denominated a pledge, assignment or otherwise) in any tangible or intangible personal property of the Authority created or made in connection with any issue of Bonds of the Authority.

Section 14. Exemption from Taxation. The property and income of the Authority, all Bonds issued by the Authority, the interest payable on and the income derived from such Bonds, conveyances by or to the Authority, and leases, mortgages and deeds of trust or trust indentures by or to the Authority shall be exempt from all taxation in the State. The Authority shall be exempt from all taxes levied by any county, municipality or other political subdivision of the State, including, but without limitation, license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which the Authority may engage. The Authority shall not be required to pay or allow any fees, taxes or costs to the judge of probate of any county in respect of the recording of any document. Nothing in this section shall be construed to exempt any private person, firm or corporation from payment of any ad valorem, mortgage or deed taxes or recording fees notwithstanding the fact that the Authority shall have acquired an interest in the property or instrument subject to such taxes or fees.

Section 15. Liability of State. The State shall not in any event be liable for the payment of the principal of or interest on any Bonds of the Authority or for the performance of any pledge, mortgage, obligation or agreement of any kind whatsoever which may be undertaken by the Authority, and none of the Bonds of the Authority or any of its agreements or obligations shall be construed to constitute an indebtedness of the State within the meaning of any constitutional or statutory provision whatsoever.

Section 16. Exemption from Usury and Interest Laws. The Authority and the obligations thereof shall be exempt from the laws of the State governing usury or prescribing or limiting interest rates, including, but without limitation, the provisions of Chapter 8 of Title 8 of Code of Alabama 1975.

Section 17. exemption from Competitive Bid Laws. The Authority and all contracts made by it shall be exempt from the laws of the State requiring competitive bids for any contract to be entered into by public corporations, including, but without limitation, the provisions of Sections 41-16-20 through 41-16-63 of the Code of Alabama 1975.

Section 18. Freedom of Authority from State Supervision and Control. This Act is intended to aid the State through the furtherance of the purposes of the Act by providing an appropriate and independent instrumentality of the State with full and adequate powers to fulfill its functions. Except as expressly provided in this Act, no proceeding, notice or approval shall be required for the incorporation of the Authority, the purchase of any Mortgage Loans or the making of any loan to a Mortgage Lender, the acquisition of any Mortgage, the acquisition of or any dealing with respect to any Mortgaged Property, the issuance of any Bonds, the execution of any mortgage and deed of trust or trust indenture, or the exercise of any other of its powers by the Authority.

Section 19. Earnings of the Authority. The Authority shall be a non-profit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event its Board of Directors shall determine that sufficient provision has been made for the full payment of the expenses, Bonds and other obligations of the Authority, then any net earnings of the Authority thereafter accruing shall be paid to the State.

Section 20. Dissolution of the Authority and Vesting Title to Property in the State. At any time when an Authority has no Bonds or other obligations outstanding, its Board of Directors may by the unanimous vote of all directors present adopt a resolution declaring that the Authority shall be dissolved. Upon filing for record of a certified copy of the said resolution in the office of the Secretary of State, the Authority shall thereupon stand dissolved and in the event it shall own any property at the time of its dissolution, the title of all its properties shall thereupon pass to the State.

Section 21. Conflict of Interest. (a) If any member of the Board of Directors, officer or employee of the Authority shall have an interest, either direct or indirect, in any contract to which the Authority is, or is to be, a party or in any Mortgage Lender requesting a loan from, or offering to sell Mortgage Loans to, the Authority, such interest shall be disclosed to the Authority in writing and shall be set forth in the minutes of the Authority. The member, officer or employee having such interest shall not knowingly participate in any action by the Authority with respect to such contract or Mortgage Lender.

(b) Nothing in this section or any other law shall be deemed or construed to limit the right of any member, officer or employee of the Authority to:

(1) Have an interest in any banking institution in which the funds of the Authority are, or are to be, deposited or which is, or is to be, acting as trustee or paying agent under any trust indenture to which the Authority is a party; or

(2) Participate in an action by the Authority pertaining to the issuance of Bonds, the proceeds of which will be applied to (i) the purchase of Mortgages from, or the making of a loan to, a Mortgage Lender of which a member of the Board of Directors is an owner, officer or employee, or (ii) the financing of an Eligible Housing Unit constructed, owned or sold by a member of the Board of Directors or any person, firm or corporation affiliated with such member; provided that any such member does not participate in any proceeding relating to the approval of a contract with the Authority pertaining specifically to the purchase of any such Mortgages or the making of any such loan, or the financing of any such Eligible Housing Unit.

Section 22. Liberal Construction. This Act being remedial in nature, the provisions of this Act shall be liberally construed to effect its purpose.

Section 23. Severability. In the event any section, sentence, clause or portion of this Act should be declared invalid by any court competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 24. Effective Date of Act. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Bowling, Cabaniss, Carothers, Carter, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Hilliard, Hines, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, McKee, McMillan, Minus, Moore, Naramore, Olive, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Williams and Willis.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill H. 558.

Reps.: Amari, Barton, Bennett, Biddle, Blake, Cabaniss, Carter, Cooley, Cosby, Dixon, Drinkard, Gilmer, Goodwin, Greer, Hilliard, Holley, Horn, Howard, Jackson, Kennedy, Laird, Langford, Letson, McKee, Naramore, Olive, Rains, Ray, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker and Waggoner.

AMENDMENT OFFERED

Rep. Riddick offered the following amendment #1 to the bill, H. 558 as amended:

Amend H. 558 by the deletion of subsections "(a)" and "(b)" in Section 5 beginning on line 9 of page 8, and by the substitution of the following therefore:

"(a) The applicants named in the application and their respective successors in office shall constitute the members of the Authority. The Governor shall, as soon as convenient after the passage of this Act, appoint one person from each of the now existing seven Congressional Districts as members of the Authority, and at the expiration of the terms for which they are appointed or the existence of a vacancy, their successors. Each member and/or successor shall be a citizen of the State, of good reputation and at the time of their appointment two of such members shall be engaged in the business of home building, two shall be licensed real estate brokers, who are not in the business of home building, one shall be engaged in the business of lending money on the security of mortgages on residential property or the officer or employee of a Mortgage Lender, one shall be an elected commissioner of a county in the state, one shall be an elected mayor of a municipality. The members first appointed shall be appointed for terms of one, two, three, four, five, six, and seven years respectively, and the Governor in the appointment shall designate the expiration date of the term of the member. Their respective successors shall be appointed for the remainder of any unexpired term or, if appointed at the expiration of a term, for terms of seven years. Each member shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. A member, director or officer of the

Authority may be impeached or removed from office in the same manner and on the same grounds as provided in Section 175 of the Constitution of Alabama and the general laws of the State relating to the impeachment and removal of public officers.

(b) The members of the Authority shall constitute all the members of the Board of Directors of the Authority, in which all powers of the Authority shall be vested, and any four members of the Board of Directors shall constitute a quorum for the transaction of a business."

H. 558 TEMPORARILY POSTPONED

On motion of Rep. Pegues, the bill, H. 558 as amended and with pending amendment, was temporarily postponed.

And the bill:

S. 327. To amend the Title and Section 1 of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama approved August 8, 1979, entitled "An Act relative to Class 4 and 5, and 7 and 8 municipalities in this state having a population of not less than 25,000 and not more than 99,999 inhabitants of a population of 11,999 or less inhabitants according to the last or any subsequent Federal decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the leasing thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefore; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof", so as to make said Act applicable to Class 6 municipalities in the state.

Was read a third time at length and passed.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Blake, Bowling, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer,

Goodwin, Greer, Hall, Hammett, Harper (O), Hilliard, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Shoemaker, Smith (C), Stewart, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis and Wyatt.

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And the bill:

H. 261. To amend Section 41-5-9, Code of Alabama 1975, which provides for the salaries of Chief Examiner and Assistant Chief Examiner of Public Accounts, so as to permit the Legislative Committee on Public Accounts to fix the salary of the Chief Examiner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Blake, Bowling, Cabaniss, Carothers, Carter, Cates, Clark (G), Coburn, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harvey, Hines, Holmes, Horn, Johnson (R. G.), Kelley, Langford, McKee, McMillan, Minus, Naramore, Nevett, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Ward, Whatley, Williams and Willis.

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And the bill:

H. 916. To amend Section 10 of Act No. 79-688, H. 540, 1979 Regular Session (Acts 1979, p. 1217), entitled "An Act Divesting the State Highway Department of certain county functions and duties in relation to roads and bridges in 'captive' counties, heretofore transferred to it, and revesting such functions in the county governing bodies of the captive counties; providing for the transfer of certain funds, equipment, property and material from the State Highway Department to the county governing bodies; and to provide for the effective date," so as to provide further for the alternative effective date of said act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bennett, Biddle, Blake, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harvey, Hines, Horn, Johnson (R. G.), Kelley, Laird, Langford, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Pegues, Rains, Ray, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turnham, Venable, Warren, Williams, Willis and Wyatt.

—63

And the bill:

H. 473. (With Amendment): To provide that the state salary payable to clerks and registers of the circuit court shall be increased by \$1,800.00 beginning on October 1, 1980; to amend Section 12-17-92, Code of Alabama 1975, which section relates to supplemental salaries of circuit court clerks, so as to eliminate the requirement that the counties maintain the salaries of circuit clerks at the same relationship which their salaries bore to salaries of the circuit judges on January 16, 1977; to provide that circuit clerks and registers shall be entitled to receive all future cost-of-living increases granted to state employees, generally; and to appropriate such funds as may be necessary to pay such increase.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 473 in Section 2, page 2, line 24 after the word "generally" and the period by adding the following:

Provided, further, that in no event shall the state salary of any register be increased by the provisions of this act when such state salary of any register currently exceeds the total state salary payable to a circuit clerk or that such salary would be caused to exceed the total salary payable to a circuit clerk.

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Bennett, Biddle, Blake, Bowling, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harvey, Hines, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Naramore, Nevett, Olive, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—67

And the bill, H. 473 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 13.

Yeas:

Reps.: Adams (C), Albright, Amari, Bennett, Biddle, Blake, Boles, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Daniels, Edwards, Gafford, Goodwin, Greer, Gregg, Hammett, Harvey, Hilliard, Hines, Horn, Langford, Letson, McMillan, Manley, Minus, Olive, Patton, Pegues, Penry, Ray, Reed, Riddick, Roberts, Smith (J), Smith (M), Stout, Tucker, Turner, Venable, Waggoner, Warren and Wyatt.

—48

Nays:

Reps.: Cabaniss, Dial, Dixon, Gilmer, Grimsley, Harrison, McKee, Naramore, Payne, Sasser, Smith (C), Whatley and Williams.

—13

And the bill:

H. 669. To amend Section 13, paragraph 52 of Title 16, Code of Alabama, 1975 to provide that a minimum of 75 days shall constitute the first four scholastic months.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 2.

Yeas:

Reps.: Adams (C), Albright, Bennett, Biddle, Blake, Boles, Bowling, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Goodwin, Greer, Grouby, Hall, Hammett, Harrison, Horn, Laird, Langford, Letson, Minus, Moore, Naramore, Nevett, Olive, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams and Willis.

—60

Nays: Reps.: Gilmer and Manley.

—2

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Carter and McCorquodale:

H. R. 240. COMMENDING THE SECRETARIAL AND CLERICAL STAFF OF THE ALABAMA LEGISLATURE.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. R. 240:

Reps.: Albright, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Carothers, Cates, Cheatwood, Coburn, Cosby, Daniels, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Langford, Letson, McKee, Moore, Naramore, Nevett, Olive, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Stewart, Trammell, Tucker, Turnham, Venable, Warren, Whatley, Williams, Willis and Wyatt.

SPECIAL ORDER RESUMED

And the bill:

H. 768. To amend section 5-9-22 of the Code of Alabama 1975 in order to provide that when any bank or banking association organized under the laws of the United States converts into a state banking corporation, all the property of whatsoever kind, things in action, and every right, privilege, interest and asset of the said national bank shall immediately, without any conveyance or transfer and without any further act or deed, be vested in and become the property of the state banking corporation, and the state banking corporation shall be deemed to be a continuation of the national bank, and all the rights, obligations and relations of the national bank to or in respect to any person, estate, creditor, depositor, trustee, beneficiary, executorship, trusteeship, or other trust or fiduciary function and all fiduciary relations including where the national bank is acting as administrator, coadministrator, executor, coexecutor, trustee or cotrustee of or in respect to any estate or trust and all rights, privileges, duties and obligations connected therewith, irrespective of the date when any such relation may have been created or established or the date of any trust agreement relating thereto or the date of the death of any testator or decedent, shall remain unimpaired and shall continue into and in the state banking corporation and the state banking corporation shall succeed to all such rights, obligations, relations and trusts and the duties and liabilities connected therewith and shall execute and perform each and every such trust of relation including the obligations and liabilities connected therewith, and nothing done in connection with such conversion shall be deemed to be or to effect a renunciation or revocation of any letters of administration or letters testamentary or a removal or resignation from any executorship or trusteeship or other fiduciary relationship nor shall be deemed to be of the same effect as if the executor or trustee or other fiduciary had died or otherwise become incompetent to act, and any reference to the national bank in any contract, will or document shall be considered a reference to the state banking corporation unless expressly provided to the contrary in the contract, will or document.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 3.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Bowling, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Grouby, Harper (O), Harrison, Harvey, Hilliard, Horn, Jackson, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, Minus, Moore, Naramore, Nevett, Olive, Patton, Payne, Pegues, Rains, Sasser, Shoemaker, Smith (J), Starkey, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

Nays: Reps.: Greer, Hall and Manley.

—3

H. 164 AGAIN TAKEN UP

And the bill, H. 164 as previously amended and temporarily postponed, was again taken up.

MOTION TO POSTPONE TABLE

On motion of Rep. Grouby, the motion offered by Rep. Manley to again temporarily postpone consideration of the bill, H. 164 as amended, was tabled.

Yeas 35; Nays 21.

Yeas:

Reps.: Bowling, Buskey, Carter, Cheatwood, Clark (W), Cooley, Crow, Daniels, Dial, Dixon, Edwards, Gafford, Goodwin, Grouby, Hines, Johnson (R. G.), Laird, Minus, Naramore, Nevett, Olive, Patton, Payne, Penry, Rains, Reed, Roberts, Shoemaker, Smith (C), Stewart, Stout, Turnham, Ward, Warren and Willis.

—35

Nays:

Mr. Speaker, Adams (C), Albright, Bedsole, Blake, Cabaniss, Cobb, Cosby, Gilmer, Grimsley, Hall, Hammett, Harper (O), Harrison, Hilliard, Langford, Letson, Moore, Pegues, Smith (J) and Whatley.

—21

H. 164 TEMPORARILY POSTPONED

On motion of Rep. Pegues, the bill, H. 164 as amended, was again temporarily postponed.

And the bill:

H. 666. (With Amendment): To prohibit the payment of public assistance to unwed mothers with dependent children.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. B. 666 on lines 9, 17 and 24 and 25 by deleting the words "dependent children" and inserting in lieu thereof the words:

"more than one illegitimate child"

And the amendment was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Bennett, Biddle, Blake, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Harper (O), Harvey, Johnson (R. G.), Laird, McKee, McMillan, Minus, Moore, Naramore, Olive, Owens, Payne, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turnham, Ward, Whatley, Willis and Zoghby.

—57

MOTION TO TEMPORARILY POSTPONE TABLED

On motion of Rep. Dixon, the motion offered by Rep. Tucker to temporarily postpone further consideration of the bill, H. 666 as amended, was tabled.

Yeas 55; Nays 11.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Cabaniss, Carothers, Carter, Clark (G), Coburn, Cosby, Daniels, Dixon, Edwards, Gafford, Gilmer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Laird, Letson, McKee, McMillan, Manley, Minus, Naramore, Owens, Payne, Pegues, Penry, Riddick, Roberts, Smith (C), Starkey, Stewart, Tucker, Turnham, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—55

Nays:

Reps.: Buskey, Drinkard, Harrison, Holley, Holmes, Jackson, Kennedy, Langford, Nevett, Olive and Smith (J).

—11

H. 666 TEMPORARILY POSTPONED

On motion of Rep. Pegues, the bill, H. 666 as amended, was temporarily postponed.

And the bill:

H. 811. To facilitate vehicular traffic in the state by providing for the construction, operation and maintenance of toll road, bridge and tunnel projects, creating the Alabama Toll Road, Bridge and Tunnel Authority and defining its powers and duties; authorizing the issuance of revenue bonds payable from tolls and other revenues to pay the cost of such projects; providing that no debt of the state shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls and other revenues for the payment of such bonds and for the cost of maintenance, operation and repair of such projects; making such bonds exempt from taxation and constituting them legal investments in certain instances; prescribing conditions upon which such projects shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the state to cooperate with the Authority; authorizing the issuance of revenue refunding bonds; making an appropriation to pay initial expenses and providing for the repayment thereof; and prescribing penalties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley,

Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Pegues, Penry, Rains, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—75

Nay: Rep. Gregg.

—1

CO-SPONSOR ADDED

Rep. Holmes was added as co-sponsor to the bill, H. 811.

And the bill:

H. 586. To amend Sections 34-4-2 and 34-4-50 of the Code of Alabama 1975, relating to licensing of auctioneers, so as to further define the word "auctioneer"; and to provide that each member of the state board of auctioneers shall be a licensed auctioneer.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Horn, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Reed, Roberts, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—74

And the bill:

S. 80. To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

Was read a third time at length and passed.

Yeas 64; Nays 1.

Yeas:

Reps.: Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Clark (G), Coburn, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hammett, Harper (O), Holley, Holmes, Johnson (R. G.), Kennedy, Laird, Langford, McMillan, Manley, Minus,

Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Reed, Roberts, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Willis.

—64

Nay: Rep. Letson.

—1

And the bill:

H. 701. (With Substitute): To amend Title 23, Code of Alabama, 1975, as amended relating to the Federal Aid Highway Finance Authority and to specifically amend the following sections: Section 23-1-300 relating to the purpose and construction of the article; Title 23-1-306 relating to the powers generally of the Federal Aid Highway Finance Authority; 23-1-307 relating to bonds and notes—authorization for issuance; 23-1-313 relating to bonds and notes, disposition of proceeds from sale generally; 23-1-314 relating to bonds and notes, appropriations and pledges of revenue for payment of principal and interest generally, sinking fund; and 23-1-317 relating to authorization of expenditure of Federal Aid directly by State Highway Department; contracts for construction, reconstruction, etc. of highways; performance, etc. of construction, etc. done by authority without award of contract therefore; promulgation and enforcement of rules and regulations; conveyance of property to state; highways constructed deemed part of public highway system.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Title 23, Section 23-1-300, 23-1-306, 23-1-307, 23-1-313, 23-1-314, and 23-1-317, Code of Alabama, 1975, as amended, relating to the Federal Aid Highway Finance Authority so as to include the Federal Aid Primary Highway System in the Federal Aid Highway Authority for the purpose of further anticipating and providing for the Federal matching share of the cost of constructing highways.

Be It Enacted by the Legislature of Alabama.

Section 1. Sections 23-1-300, 23-1-306, 23-1-307, 23-1-313, 23-1-314, and 23-1-317, Code of Alabama, 1975, as amended are hereby amended to read as follows:

“Section 23-1-300.

“(a) It is the intention of the legislature by the passage of this article to authorize the incorporation of the director of finance, the highway director, the attorney general, the state treasurer and the executive secretary to the governor of Alabama for the purpose of anticipating and providing for the nine to one federal matching share of the cost of constructing federal-aid interstate and defense highways and for the three to one federal matching share of the cost of constructing federal aid primary highways together with work incidental and related thereto and thus to accelerate the construction of

such interstate, and defense and primary highways in the state by the issuance of the obligations of such corporation, which shall not be bonds or debts of the state but shall be payable solely from federal-aid highway funds to be received during the federal fiscal years ending 1978 through 1983 and the tax proceeds and investment income provided therefor by this article.

"(b) This article shall be liberally construed in conformity with the said purpose.

"Section 23-1-306.

"The corporation shall have the following powers:

"(1) To have perpetual succession by its corporate name unless sooner dissolved pursuant to section 23-1-318;

"(2) To commence actions and have actions commenced against it and to prosecute and defend in any court having jurisdiction of the subject matter and of the parties;

"(3) To have and to use a corporate seal and to alter the same at pleasure;

"(4) To construct, reconstruct and relocate or to cause to be constructed, reconstructed and relocated interstate, and defense and primary highways, including work incidental or related thereto, in the state of Alabama;

"(5) To acquire by purchase, gift or condemnation or any other lawful means or any combination of such means and to convey or cause to be conveyed to the state of Alabama any real, personal or mixed property necessary or convenient in connection with the construction of interstate, and defense and primary highways and approaches thereto in the state of Alabama or the reconstruction or relocation of interstate, and defense and primary highways in said state;

"(6) To exercise the right of eminent domain as freely and completely as, and in the same manner that, the state of Alabama is empowered to exercise such right;

"(7) To borrow money for its corporate purposes and in evidence of such borrowing to sell and issue its obligations and to refund such obligations;

"(8) To pledge the proceeds of the appropriations and pledges provided for in this article as security for payment of the principal of and the interest on its bonds and notes; and

"(9) To appoint and employ such officers, attorneys and agents as the business of the corporation may require.

"Section 23-1-307.

"The authority shall have the power and is hereby authorized and empowered to sell and issue its bonds not exceeding \$212,000,000.00 in aggregate principal amount in order to provide as soon as practicable the nine to one federal portion of the cost of constructing interstate and defense highways and to provide the three to one federal portion of the cost of constructing primary highways in anticipation of the receipt of such federal portion as it becomes available either during or on completion of such construction, it being understood that the cost to be reimbursed by the federal government does not include the expense of borrowing or interest on obligations issued by the authority. The authority shall have the power, in addition to any other powers granted in this article, to borrow money for temporary use for any of

the purposes for which it is authorized by this article to issue bonds and, in evidence of such borrowing, to issue from time to time, either with or without public sale, temporary bonds or notes. Any such temporary borrowing may be made in anticipation of the sale and issuance of bonds and in such event the principal proceeds from the sale of such bonds shall, to the extent necessary, be used for payment of the principal of and interest on the temporary bonds or notes issued in anticipation of the sale and issuance of such bonds.

“Section 23-1-313.

“The authority shall pay out of the proceeds from the sale of the obligations authorized by this article all expenses that the board may deem necessary and advantageous in connection with the sale and issuance thereof, but no fees for fiscal agents or financial consultants shall be paid. The proceeds from the issue of any obligations authorized by this article, except the proceeds of bonds used to repay notes in anticipation of which such notes shall have been issued, remaining after paying the expenses of their sale and issuance shall be deposited in the state treasury, shall be credited to the road and bridge fund and shall be subject to be withdrawn by the authority, upon the approval of the state highway department and the governor, but only for the purpose of paying the 90 percent of the cost of constructing interstate and defense highways and for paying the 75 percent of the cost of constructing primary highways or work incidental or related thereto within the state, including the acquisition of property necessary for such construction and related work, to be repaid to the state by the federal government, and such proceeds shall be used for no other purpose. The proceeds from the sale of the obligations shall not be expended for any highway construction project until such time as the United States secretary of transportation or his designated representative shall have approved the design and location of the project, shall have formally stated in writing that such project will be eligible for federal aid matching funds when such funds become available and shall have entered into a written agreement providing for the repayment of such funds on a nine to one matching basis—for interstate and defense highways and on a three to one matching basis for primary highways.

“Section 23-1-314.

“(a) For the purpose of providing funds to enable the authority to pay at their respective maturities and due dates the principal of and interest on the obligations that may be issued by it under this article, there hereby is irrevocably pledged and appropriated each year all federal aid interstate, and defense and primary highway funds to be received by the state highway department from the United States government in each of the federal fiscal years ending in 1978, 1979, 1980, 1981, 1982 and 1983 to the extent that such funds may be required to pay the principal of and interest on such obligations, and the state highway department is hereby authorized and directed to set aside the first moneys so received in each such fiscal year and deposit the same in the sinking fund provided for in subsection (c) of this section until there shall have been accumulated therein an amount sufficient to pay the principal of and interest on the obligations issued by the authority hereunder which will mature or come due during the 12-month period of such federal fiscal year. All federal aid interstate, and defense and primary highway funds received by the state highway department from the United States government during each such federal fiscal year shall be held in trust by the state and applied to the extent required to the payment of the principal of and interest on the obligations authorized to be issued under this article.

"(b) Should said federal aid interstate, and defense and primary highway funds be insufficient or unavailable to pay the principal of and interest on the obligations issued under the authority of this article, at the respective maturities or due dates of such principal and interest, there is also irrevocably pledged to said purpose and appropriate so much of the following as may be necessary (subject, however, to the provisions of subsection (d) of this section):

"(1) To such extent and to such extent only as the funds appropriated in the first sentence of subsection (a) of this section and at the time available for such purpose herein called "the available federal aid funds," may not be sufficient to pay at their respective maturities or due dates the principal of and interest on such obligations, so much as may be necessary for such purpose of those portions of the motor vehicle license taxes and registration fees as that are provided to be distributed to the state pursuant to the provisions of division 1 of article 5 of chapter 12 of Title 40 remaining after payment of the costs of collection thereof;

"(2) To such extent and to such extent only as the available federal aid funds and the revenues appropriated under subdivision (1) of this subsection may not be sufficient to pay at their respective maturities or due dates the principal of and interest on such obligations so much as may be necessary for such purpose, when added to the available federal aid funds and the amounts appropriated in subdivision (1) of this subsection, of the state's share of the net gasoline tax proceeds;

"(3) To such extent and to such extent only as the available federal aid funds and the revenues appropriated under subdivisions (1) and (2) of this subsection may not be sufficient to pay at their respective maturities or due dates the principal of and interest on such obligations, so much as may be necessary for such purpose, when added to the available federal aid funds and the amounts appropriated in subdivisions (1) and (2) of this subsection, of the entire proceeds of the following excise taxes remaining after payment of the costs of collection thereof:

"a. The excise tax levied by article 1 of chapter 17 of Title 40 on the distributors and storers of motor fuel as therein defined; and

"b. The excise tax levied by article 3 of chapter 17 of Title 40, exclusive of that portion of the said tax in respect of gasoline.

"The term "costs of collection" as used in this subdivision shall mean that portion of the excise taxes referred to in this subdivision that may be appropriated by the legislature to the department of revenue for its operating expenses;

"(4) To such extent and to such extent only as the available federal aid funds and the revenues appropriated under subdivisions (1), (2) and (3) of this subsection may not be sufficient to pay at their respective maturities or due dates the principal of and the interest on such obligations, so much as may be necessary for such purpose, when added to the available federal aid funds and the amounts appropriated in subdivisions (1), (2) and (3) of this subsection, of all that portion of the receipts from the inspection fee on certain petroleum products, imposed by division 1 of article 5 of chapter 17 of Title 8, that is required by the division to be deposited to the credit of the public road and bridge fund; and

"(5) To such extent and to such extent only as the available federal aid funds and the revenues appropriated under subdivisions (1), (2), (3) and (4) of this subsection may not be sufficient to pay at their respective maturities or

due dates the principal of and interest on such obligations, so much as may be necessary for such purpose, when added to the available federal aid funds and to the amounts appropriated in subdivisions (1), (2), (3) and (4) of this subsection, of the receipts from the fee in respect of identification markers on motor vehicles that is provided for in section 40-17-150.

"(c) All moneys hereby appropriated and pledged shall be paid into the state treasury and shall constitute a sinking fund which shall be held in trust to be used to pay the principal of and interest on the obligations. As security for the payment of the principal of and interest on the obligations issued under this article, the authority is authorized to pledge the proceeds of the appropriation and pledge provided for in this section. All pledges made by the authority shall take precedence among themselves in the order of the adoption of the resolutions making such pledges, except as may be otherwise provided in such resolutions.

"(d) The pledges made of the proceeds, or specified portions of the proceeds, from the taxes and fees referred to in subdivisions (1) to (5) of subsection (b), inclusive, of this section, shall, with respect to each obligation issued hereunder, be subject and subordinate to (1) all pledges of the proceeds (or portions thereof) of the said taxes and fees lawfully made as security for any bonds issued prior to December 1, 1977, by the Alabama Highway Authority, (2) all pledges of the proceeds, or portions thereof, of the said taxes and fees that may be hereafter made by the Alabama highway finance corporation as security for its bonds hereafter issued not exceeding \$25,000,000.00 in principal amount, and (3) any refunding bonds that may be issued by the Alabama Highway Authority after December 1, 1977, for the purpose of refunding any of the bonds referred to in clause (1) of this sentence if, and only if, the aggregate amount of principal and interest that will mature with respect to such refunding bonds during any fiscal year of the state does not exceed the amount of principal and interest, with respect to the bonds refunded by such refunding bonds, that have a stated maturity during the same fiscal year, or that would have had a stated maturity during the same fiscal year if such bonds had not been refunded.

"Section 23-1-317.

"(a) If such action shall be necessary in order to comply with any federal legislation relating to federal aid in the construction of roads and highways, the authority may authorize the state highway department to expend directly any portion of such proceeds for constructing, reconstructing and relocating interstate, and defense and primary highways or work incidental or related thereto.

"(b) All contracts of the authority for the construction, reconstruction and relocation of the interstate, and defense and primary highways, and work incidental or related thereto and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the state highway department and shall be subject to approval by the governor and by the state highway department. All work provided for in any such contract shall be supervised by the state highway department.

"(c) All persons engaged in the supervision or performance of any such work of construction, reconstruction or relocation that may be done by the authority without the award of a contract therefor shall be employees of the state highway department.

"(d) The authority shall make and enforce all reasonable rules and regulations not inconsistent with the terms of this article or the laws of the state of Alabama as may, in its opinion, be proper and suitable for the protection of said interstate, and defense and property highways and approaches and appurtenances thereto and for the safety of the traveling public; provided, however, that the above provisions shall apply only to the extent that they are not in conflict with any federal legislation, regulation or requirement relating to federal aid in interstate, and defense and primary highway construction.

"(e) Any property acquired by the authority by purchase, condemnation or otherwise shall be forthwith conveyed to the state of Alabama.

"(f) All interstate, and defense and primary highways constructed by the corporation shall constitute part of the public highway system in the state."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective upon its passage and signature by the Governor or its otherwise becoming a law whichever date shall come later.

And the substitute was adopted.

Yeas 67; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Coburn, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holmes, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McMillan, Minus, Moore, Naramore, Olive, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—67

And the bill:

H. 701. To amend Title 23, Section 23-1-300, 23-1-306, 23-1-307, 23-1-313, 23-1-314, and 23-1-317, Code of Alabama, 1975, as amended, relating to the Federal Aid Highway Finance Authority so as to include the Federal Aid Primary Highway System in the Federal Aid Highway Finance Authority for the purpose of further anticipating and providing for the Federal matching share of the cost of constructing highways.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Reps.: Adams (C), Barton, Bedsole, Bennett, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cheatwood, Cosby, Crow, Daniels, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (T), Harvey,

Hilliard, Holley, Horn, Jackson, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Riddick, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—63

And the bill:

H. 702. (With Substitute): This bill creates an Equipment Replacement Surplus Reserve Account or Fund in the Public Road and Bridge Fund of the State Highway Department. The purpose of said account is to allow the Highway Department to initiate a Road Machinery and Equipment Management System. This bill allows the Highway Department to accumulate depreciation, equipment replacement allowances, and salvage value in the Equipment Replacement Surplus Reserve Account. It appropriates those funds to the Highway Department to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows.

A BILL
TO BE ENTITLED
AN ACT

To create an Equipment Replacement Surplus Reserve Account of Fund in the Public Road and Bridge Fund of the State Highway Department so as to allow the Highway Department to initiate a Road Machinery and Equipment Management System; to allow the Highway Department to accumulate depreciation, equipment replacement allowances, and salvage value in the Equipment Replacement Surplus Reserve Account; and to appropriate those funds to the Highway Department to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intent of the Legislature to give the State of Alabama Highway Department authority to accumulate depreciation, equipment replacement allowances, and salvage value on road machinery and equipment sufficient to upgrade, or make extraordinary repairs to the Highway Department's road machinery and equipment as determined by a Road Machinery and Equipment Management Program to be developed by the Highway Department.

Section 2. Unless the context clearly indicates otherwise, the following words and phrases will have the following meanings:

(a) "Road Machinery and Equipment"—Self-Propelled equipment or other equipment commonly referred to in the State Highway Department as rental equipment.

(b) "Depreciation"—That process of allocating the original cost per fixed asset over the productive life of the asset using some generally accepted method of depreciation.

(c) "Equipment Replacement Allowance"—An amount, when added to the depreciation and salvage value of a unit of road machinery and equipment and accumulated in a special account, that will provide the funds to upgrade, replace, or make extraordinary repairs to that unit of road machinery and equipment.

(d) "Equipment Replacement Surplus Reserve Account"—A special revolving account or fund to be established in the Public Road and Bridge Fund of the State of Alabama Highway Department to accumulate depreciation, equipment replacement allowances, and salvage value to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment.

(e) "Highway Department Divisions"—Those divisions of the Highway Department responsible for road construction and maintenance over a specified geographic area of the State.

(f) "Extraordinary Repairs"—Repairs made to extend an asset's useful life beyond that which was originally estimated.

(g) "Salvage Value"—That portion of a unit of road machinery and equipment's cost that is recovered at the end of its productive life.

(h) "General Office"—Those general and administrative offices of the Highway Department located in Montgomery, Alabama.

Section 3. There is hereby created in the Public Road and Bridge Fund of the State of Alabama Highway Department an Equipment Replacement Surplus Reserve Account. The Highway Director is hereby directed to establish a Road Machinery and Equipment Management Program which will determine the type, number, and distribution between the General Office and Highway Department Divisions of the road machinery and equipment necessary to carry out the mission of the Highway Department in an efficient manner. This System must also determine the productive life of all of the road machinery and equipment and establish depreciation rates, equipment replacement allowances, and salvage value which, when accumulated in the Equipment Replacement Surplus Reserve Account, will provide the necessary funds to upgrade, replace, or make extraordinary repairs to road machinery and equipment.

Section 4. The Equipment Replacement Surplus Reserve Account must be subdivided into subaccounts; one for the General Office and one each for each of the Highway Department Divisions. Depreciation, equipment replacement allowances, and salvage value will be credited to the account of the General Office or Highway Department Division to which the unit of road machinery and equipment is assigned and will not be comingled or transferred between the Highway Department Divisions or the General Office. The funds in each of these subaccounts of the General Office and Highway Department Divisions will be available to them to upgrade, replace, or to make extraordinary repairs to road machinery and equipment.

Section 5. There is hereby appropriated all of the funds credited to the Equipment Replacement Surplus Reserve Accounts, due to depreciation, equipment replacement allowances, and salvage value of road machinery and equipment, for upgrading, replacement, or extraordinary repairs to road machinery and equipment. These funds do not revert at the end of each fiscal year but carry over to each succeeding year. It is the intent of the Legislature that funds appropriated from the Equipment Replacement Surplus Reserve Account be used only to upgrade, replace, or make extraordinary repairs to road machinery and equipment, and that they not be used to increase the number of units of equipment of the Highway Department. Specific funds must be appropriated by the State Legislature to increase the number of units of road machinery and equipment.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective October 1, 1980.

And the substitute was adopted.

Yeas 67; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Naramore, Nevett, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Stewart, Stout, Trammell, Turner, Turnham, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—67

And the bill:

H. 702. To create an Equipment Replacement Surplus Reserve Account or Fund in the Public Road and Bridge Fund of the State Highway Department so as to allow the Highway Department to initiate a Road Machinery and Equipment Management System; to allow the Highway Department to accumulate depreciation, equipment replacement allowances, and salvage value in the Equipment Replacement Surplus Reserve Account; and to appropriate those funds to the Highway Department to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Coburn, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Roberts, Sasser, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—67

And the bill:

H. 668. (With Amendment): To amend Section 13-6-85 of the Code of Alabama 1975 relating to defacing tombstones, trees and shrubbery so as to provide further for certain criminal offenses involving graveyards and cemeteries and the penalties for such offenses.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 668, Section 1, page 2, line 8 of said bill by deleting the words Class C felony where such words appear thereon and substituting in lieu thereof the words Class A misdemeanor.

Further amend House Bill 668 in the Synopsis of the bill which appears on page 1, lines 15 & 16, by striking the words Class C felonies and inserting in lieu therefor the words Class A misdemeanors.

Also, further amend House Bill 668 on page 1, line 28, to read as follows:

Section 1. Section 13-6-85 of the Code of Alabama.

And the amendment was adopted.

Yeas 74; Nays 0.

Yeas

Reps.: Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Gregg, Grimsley, Hammett, Harper (T), Harvey, Hilliard, Holley, Holmes, Horn, Jackson, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—74

CO-SPONSORS ADDED

Reps. Gilmer, Mitchell and Rains were added as co-sponsors to the bill, H. 668.

And the bill, H. 668 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Reps.: Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Harvey, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—82

And the bill:

H. 889. To designate the wild turkey as the official state game bird for the State of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Cabaniss, Carothers, Carter, Cates, Cheatwood, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Jackson, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—75

Nay: Rep. Adams (H).

—1

CO-SPONSORS ADDED

Rep. Warren, Rains, Drinkard, Biddle and Jackson were added as co-sponsors to the bill, H. 889.

And the bill:

H. 458. (With Substitute): Relating to the feeding of prisoners by sheriffs; to amend Section 14-6-42, Code of Alabama 1975, which provides for the daily allowance for feeding prisoners, so as to increase said allowance and to repeal Sections 14-6-44, 14-6-45, and 14-6-46, Code of Alabama 1975, which further provide for said allowance and reporting of such by the sheriffs.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

Relating to the feeding of prisoners by sheriffs; to amend Section 14-6-42, Code of Alabama 1975, which provides for daily allowance for feeding prisoners, so as to increase said allowance and to repeal Sections 14-6-44, 14-6-45, and 14-6-46, Code of Alabama 1975, which further provide for said allowance and reporting of such by the sheriffs.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 14-6-42, Code of Alabama 1975, is hereby amended to read as follows:

"§ 14-6-42. Food for prisoners in the county jail shall be paid for by the state as follows: There shall be allowed such amount as is actually necessary for food for each prisoner daily, and but the said amount so allowed cannot exceed \$1.75 shall be \$1.75 per capita. In addition to the above amount, there is hereby conditionally appropriated from the general fund an amount of \$1.25 per capita."

Section 2. Sections 14-6-44, 14-6-45, and 14-6-46, Code of Alabama 1975, are hereby specifically repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 65; Nays 0.

Yeas:

Reps.: Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Cabaniss, Carothers, Carter, Cates, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Willis, Wyatt and Zoghby.

—65

And the bill, H. 458 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—85

CO-SPONSORS ADDED

Reps. Reed and Rains were added as co-sponsors to the bill, H. 458.

And the bill:

H. 605. (With Substitute): To amend section 40-9-21 of the Code of Alabama 1975 relating to an ad valorem tax exemption on the principal residences of totally disabled persons or persons 65 years of age or older so as to prescribe the amount of acreage allowed for such exemption.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend sections 40-9-19 and 40-9-21 of the Code of Alabama 1975, relating to homestead exemptions and an ad valorem tax exemption on the principal residences of totally disabled persons or persons 65 years of age or older, so as to prescribe further the amount of exemption and the amount of acreage allowed for such exemption.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-9-19 and 40-9-21 of the Code of Alabama 1975 are hereby amended to read as follows:

"§ 40-9-19. (a) Homesteads, as defined by the Constitution and laws of Alabama, are hereby exempted from all state ad valorem taxes. In no case shall the exemption herein made apply to more than one person, head of the family, nor shall the said exemption exceed \$2,000.00 in assessed value, nor 160 acres in area for any resident of this state who is not over 65 years of age. The homesteads of residents of this state, over 65 years of age, or who are retired due to permanent and total disability, regardless of age, or who are blind as defined in section 1-1-3, regardless of age or whether such person is retired, shall be exempt from all state ad valorem taxes.

"The state commissioner of revenue is hereby empowered to define and specify the condition or state of health that makes a person 'permanently and totally disabled' and may issue certificates of disability to such person as he may find meets such specifications. Any person who is drawing any pension or annuity from the armed services or a company or governmental agency as being permanently and totally disabled shall automatically be granted a certificate of permanent and total disability by the state commissioner of revenue.

"(b) For tax years beginning on and after October 1, 1978, homesteads, as defined by the Constitution and laws of Alabama, are hereby exempted from all ad valorem property taxes levied, except school district taxes, by any county of this state. In no case shall the exemption herein made apply to more than one person, head of the family, nor shall the said exemption exceed \$2,000 in assessed value, nor 160 acres in area for any resident of this state who is not over 65 years of age. For residents of this state, over 65 years of age, or who are retired due to permanent and total disability, regardless of age, or who are blind as defined in section 1-1-3, regardless of age or whether such person is retired, the said exemption shall not exceed \$5,000.00 in assessed value, nor 160 acres in area. With respect to homesteads situated in more than one county, the exemption granted herein shall be prorated between the counties in which the homestead is situated in the proportion that the area of the homestead in each county bears to the total area of the homestead claimed for exemption.

"The department of revenue may by regulation define and specify the condition or state of health that makes a person 'permanently and totally disabled' and may issue certificates of disability to any person that meets

such specifications. Any person who is drawing any pension or annuity from the armed services, a private company or any governmental agency because he is permanently and totally disabled shall automatically be granted a certificate of permanent and total disability by the department of revenue."

"§ 40-9-21. In addition to the persons and property exempt from ad valorem taxation as prescribed in section 40-9-1, the following shall also be exempt from ad valorem taxation: the principal residence and 160 acres of any person who is totally disabled or who is 65 years of age or older having a net annual taxable income of \$7,500.00 or less, as shown on such person's and spouse's latest United States income tax return. In the event that such person and spouse are not required to file a United States income tax return, then an affidavit indicating that the net taxable income of such person and spouse for the preceding taxable year was \$7,500.00 or less shall be sufficient proof. Proof of age shall be furnished when the exemption provided herein is claimed. Proof of total disability may be, but shall not be limited to, the written certification of such total disability by any two physicians licensed to practice in this state. In order to qualify for exemption under this section, such principal residence must be a single-family residence owned and occupied by a person qualifying under this section."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 71; Nays 0.

Yeas:

Reps.: Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Cabaniss, Carothers, Carter, Cates, Cheatwood, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—71

AMENDMENT OFFERED

Rep. Willis offered the following amendment to the bill, H. 605 as amended:

On page 3, Section 1, line 21, after language "160 acres" add the following language: adjacent thereto

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 66; Nays 2.

Yeas:

Reps.: Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Carothers, Carter, Cates, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett,

Harper (T), Harvey, Holmes, Horn, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—66

Nays: Reps. Hilliard, and Jackson.

—2

And the bill:

H. 605. To amend sections 40-9-19 and 40-9-21 of the Code of Alabama 1975, relating to homestead exemptions and an ad valorem tax exemption on the principal residences of totally disabled persons or persons 65 years of age or older, so as to prescribe further the amount of exemption and the amount of acreage allowed for such exemption.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Jackson, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—75

CO-SPONSOR ADDED

Rep. Holley was added as co-sponsor to the bill, H. 605.

And the bill:

H. 457. To amend Sections 12-16-73, 12-21-180 and 12-21-246, Code of Alabama 1975, relating to executing and service of process, to provide for executing and service of process, in certain instances, by mail.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71. Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Horn, Jackson, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee,

McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Pegues, Penry, Rains, Reed, Roberts, Sasser, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—71

And the bill:

H. 935. To provide that no part of the net earnings of any authority organized pursuant to the Historical Preservation Authorities Act of 1979 shall inure to the benefit of any private person, firm or corporation; to exempt any such authority from the provisions of the laws of Alabama governing usury or prescribing interest rates; and specifying that all the aforesaid provisions shall apply both prospectively and retrospectively except in certain specified cases.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Bedsole, Bennett, Blake, Buskey, Cabaniss, Carothers, Carter, Cates, Clark (G), Clark (W), Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (T), Harvey, Holmes, Horn, Kelley, Kennedy, Laird, Letson, McKee, McMillan, Manley, Minus, Pegues, Penry, Reed, Roberts, Sasser, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—60

Nay: Rep. Holley.

—1

And the bill:

H. 466. To direct the state department of pensions and security to promulgate rules and regulations to require certain public assistance recipients who are able to work to perform public work or service for the state or county in exchange for the benefits which they receive.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Bowling, Cabaniss, Carothers, Carter, Cates, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis and Wyatt.

—75

Nay: Rep. Reed.

—1

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill H. 466.

Reps.: Cabaniss, Carothers, Cates, Daniels, Dixon, Gilmer, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Hilliard, Holmes, Horn, Jackson, Johnson (R. G.), Kelley, Kennedy, Langford, Letson, McKee, McMillan, Mitchell, Nevett, Olive, Patton, Penry, Rains, Smith (C), Smith (J), Stout, Tucker, Turner, Venable and Wyatt.

H. 453 AGAIN TAKEN UP

And the bill, H. 453 as previously amended and temporarily postponed, was again taken up.

SUBSTITUTE OFFERED

Rep. Biddle offered the following substitute to the bill, H. 453:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 36-22-16 of the Code of Alabama, 1975, to provide further for the compensation of the sheriffs of the several counties in this state with a retroactive effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-22-16 of the Code of Alabama, 1975, is hereby amended to read as follows:

"§ 36-22-16. COMPENSATION.

"(a) Sheriffs of the several counties in this state shall be compensated for their services by an annual salary payable in equal installments out of the county treasury as the salaries of other county employees are paid. The annual salary of the sheriff shall be \$20,000.00, commencing with the next term of office, unless a higher or lower salary is specifically provided for by law by general or local act heretofore or hereafter enacted.

"(b) Provided, however, the salary for sheriff, provided by subparagraph (a) of this section, may be raised or lowered by local act.

"(b)(c) Such salary shall be in lieu of all fees, compensation, allowance, percentages, charges and costs, except as otherwise provided by law. The sheriff and his deputies shall, however, be entitled to collect and retain such mileage and expense allowance as may be payable according to law for returning or transferring prisoners and insane persons to or from points outside the county."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective retroactive to April 25, 1978 upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bennett, Blake, Cabaniss, Campbell, Carter, Cates, Coburn, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Holley, Holmes, Johnson (R. G.), Laird, Langford, Letson, McMillan, Minus, Mitchell, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Roberts, Sasser, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—57

And the bill:

H. 453. To amend Section 36-22-16 of the Code of Alabama, 1975, to provide further for the compensation of the sheriffs of the several counties in this state with a retroactive effective date.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harvey, Hilliard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—68

Nay: Rep. Holley.

—1

And the bill:

H. 259. To amend Section 16-9-11, Code of Alabama, 1975, to change the period of time a local board of education has in filling a vacancy in the office of county superintendent of education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Boles, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Coburn, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harvey, Hines, Holley, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, McKee, McMillan, Minus, Mitchell, Nevett, Olive, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—65

Nay: Rep. Rains.

—1

H. 164 AGAIN TAKEN UP

And the bill, H. 164 as previously amended and temporarily postponed, was again taken up.

AMENDMENT OFFERED

Rep. Manley offered the following amendment to the bill, H. 164 as amended:

In the title of the bill, page 1, line 33, after the figure "1980" add the following:

, and to provide for its termination.

Further amend said bill on page 2 by adding a new Section 4 to read as follows and renumber the present Section 4 to Section 5 and the present 5 to Section 6:

Section 4. The provisions granted under this Act to re-open the Retirement Systems shall terminate October 1, 1981, and no one shall be eligible to utilize any of the options granted herein if not fully exercised and paid prior to October 1, 1981.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bennett, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Nevett, Olive, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (M), Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—66

AMENDMENT OFFERED

Rep. Cooley offered the following amendment to the bill, H. 164 as amended:

On page 2, line 24 of said bill, add a new Section 5 and renumber the remaining sections.

Section 5. Any person eligible for retirement credit with any retirement system of the State of Alabama shall be entitled to transfer credit from any system to any other system, provided, however, that such person shall elect at the time of such transfer to receive retirement benefits available under each system weighted by the number of years' contribution to each system or in the alternative to pay to any retirement system in which such person has credit the difference, if any, in the total contributions to the system or systems from which such person is transferring credit plus eight percent (8%) of such difference times the number of years being transferred.

REGULAR SESSION
25th Day

1565

AMENDMENT TABLED

On motion of Rep. Grouby, the amendment offered by Rep. Cooley to the bill, H. 164 as amended, was tabled.

Yeas 53; Nays 6.

Yeas:

Mr. Speaker, Adams (C), Barton, Biddle, Cabaniss, Carothers, Carter, Cates, Cheatwood, Coburn, Cosby, Crow, Dial, Dixon, Edwards, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Hines, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Laird, Letson, McKee, McMillan, Mitchell, Olive, Owens, Pegues, Penry, Ray, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—53

Nays:

Reps.: Cooley, Harvey, Langford, Manley, Rains and Tucker.

—6

CO-SPONSORS ADDED

Reps. Holmes, Gilmer and Rains were added as co-sponsors to the bill, H. 164.

And the bill:

H. 164. To re-open the Teachers' and Employees' Retirement Systems of Alabama for non-membership service and certain military service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama; and to provide that this Act shall take effect October 1, 1980, and to provide for its termination.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 12.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Buskey, Cabaniss, Carter, Cates, Cheatwood, Coburn, Cooley, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Nevett, Olive, Owens, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

—60

Nays:

Reps.: Bedsole, Carothers, Cosby, Harvey, Hilliard, Horn, Howard, Manley, Patton, Pegues, Tucker and Wyatt.

—12

MOTION TO ADJOURN LOST

The motion offered by Rep. Manley that the House adjourn until 1:00 o'clock p.m., Tuesday, April 29, 1980, was lost.

Yeas 21; Nays 44.

Yeas:

Reps.: Adams (H), Buskey, Cheatwood, Clark (G), Cosby, Edwards, Ford, Goodwin, Harvey, Hilliard, Holmes, Horn, Johnson (Roy), Langford, Manley, Moore, Olive, Patton, Smith (J), Trammell and Tucker.

—21

Nays:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Bowling, Cabaniss, Carothers, Carter, Cates, Cooley, Crow, Gilmer, Greer, Hammett, Harper (T), Johnson (R. G.), Kelley, Kennedy, Laird, Letson, McKee, McMillan, Owens, Pegues, Penry, Rains, Ray, Riddick, Roberts, Shoemaker, Smith (M), Starkey, Stewart, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—44

And the bill:

H. 578. (With Substitute): To amend Act No. 79-688, H. 540, Regular Session 1979 (Acts 1979, p. 1217), which Act divests the state highway department of certain duties relating to the construction, maintenance and repair of public roads in certain counties previously known as "captive counties," and which revests such duties in the respective county governing bodies, so as to authorize certain persons who are transferred from state employment to elect, at their discretion, to either be paid for their accumulated sick leave as is provided in Section 36-26-36, Code of Alabama 1975, or to transfer such accumulated sick leave to their respective county retirement systems if available.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 5 of Act No. 79-688, H. 540, Regular Session 1979 (Acts 1979, p. 1217), which act divests the state highway department of certain duties relating to the construction, maintenance and repair of public roads in certain counties previously known as "captive counties" and its employees therein, and which revests such duties in the respective county governing bodies, so as to authorize certain persons who are transferred from state employment to elect, at their discretion, to either be paid for their accumulated sick leave as is provided in Section 36-26-36, Code of Alabama 1975, or to transfer such amounts equal to accumulated sick leave to their respective county retirement systems if available; and to provide for the county governing body to hold such funds in trust for their options of payment or use.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 79-688, H. 540, Regular Session 1979 (Acts 1979, p. 1217)(now appearing at Section 23-1-104 of the Code of Alabama 1975, 1979 Cumulative Supplement), is hereby amended to read as follows:

"Section 5. The State Highway Department shall furnish a list to each captive county with the name, position, rate of pay, and length of service of all persons who are presently employed by the State Highway Department in the respective captive county. The respective counties may employ personnel not to exceed 75% of the employees on the list furnished by the State Highway Department for the construction, repair and maintenance of county roads and bridges in accordance with personnel policy as adopted by the respective counties, the remaining employees now employed by the State Highway Department in each said county shall remain an employee of the State Highway Department subject to the regular employment practices of said department. All persons employed by each respective county shall be paid at the same rate of pay as was paid by the State Highway Department. All present and accumulated obligations due and payable to the present employees as a result of their employment with the State Highway Department shall be the obligation of the State of Alabama including but not limited to accumulated sick leave, vacation time and retirement and any other accumulated benefits earned by the said employees, payment shall be made to the employees on or before the effective date of the act. Provided, however, that the state highway department shall pay to the respective county governing body an amount equal to one hundred percent (100%) of the value of the accumulated sick leave for the account of each employee who transfers to the captive county. Such funds shall be held in trust for the employee and shall be used to pay such employee for approved sick leave. In lieu of the funds being held in trust for future approved sick leave, the employee may elect to accept an amount equal to fifty percent (50%) of the value of the then accumulated sick leave in full settlement and payment of his accrued sick leave account. Approved sick leave shall be that leave so designated by any county merit system to which the employee may transfer, or such leave as approved by the county governing body, or the county engineer at the direction of the county governing body."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 51; Nays 0.

Yeas:

Reps.: Adams (H), Albright, Barton, Bedsole, Bennett, Bowling, Buskey, Cabaniss, Carothers, Cheatwood, Coburn, Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Holmes, Horn, Laird, Langford, Letson, McKee, McMillan, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Stewart, Trammell, Turnham, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 578. To amend Section 5 of Act No. 79-688, H. 540, Regular Session 1979 (Acts 1979, p. 1217), which act divests the state highway department of certain duties relating to the construction, maintenance and repair of public roads in certain counties previously known as "captive counties" and its employees therein, and which revests such duties in the respective county governing bodies, so as to authorize certain persons who are transferred from state employment to elect, at their discretion, to either be paid for their accumulated sick leave as is provided in Section 36-26-36, Code of Alabama 1975, or to transfer such amounts equal to accumulated sick leave to their respective county retirement systems if available; and to provide for the county governing body to hold such funds in trust for the options of payment or use.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Bowling, Cabaniss, Carothers, Cates, Cheatwood, Coburn, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Horn, Howard, Johnson (Roy), Kelley, Laird, Langford, Letson, McKee, McMillan, Minus, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Smith (C), Smith (J), Starkey, Stewart, Stout, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—65

MOTION TO POSTPONE

Rep. Pegues offered the motion to postpone the bill, S. 385, to the twenty-eighth legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Dixon to table the motion to postpone offered by Rep. Pegues, was lost.

Yeas 25; Nays 37.

Yeas:

Reps.: Amari, Barton, Bennett, Cates, Cooley, Daniels, Dixon, Greer, Harper (T), Hilliard, Holmes, Horn, Howard, Langford, McKee, McMillan, Mitchell, Patton, Pegues, Penry, Roberts, Smith (J), Smith (M), Starkey, Stewart and Waggoner.

—25

Nays:

Mr. Speaker, Adams (C), Albright, Bedsole, Bowling, Campbell, Carothers, Cheatwood, Coburn, Cosby, Drinkard, Edwards, Ford, Goodwin, Gregg, Grimsley, Hall, Hammett, Hines, Holley, Johnson (Roy), Kennedy, Letson, Nevett, Owens, Pegues, Rains, Riddick, Sasser, Smith (C), Tucker, Turnham, Warren, Whatley, Williams, Wyatt and Zoghby.

—37

S. 385 POSTPONED

The question was then on the motion offered by Rep. Pegues to postpone the bill, S. 385 to the twenty-eighth legislative day, and the motion was adopted.

And the bill:

H. 492. To provide for an examination fee of three dollars (\$3.00) prior to testing for driver license, temporary instruction and learner's permits, and motor driven cycle operators license.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 3.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Campbell, Carothers, Carter, Cates, Cheatwood, Coburn, Cooley, Cosby, Daniels, Drinkard, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Hines, Holley, Holmes, Horn, Johnson (R. G.), Kennedy, Laird, Langford, McKee, McMillan, Minus, Mitchell, Olive, Owens, Patton, Pegues, Penry, Rains, Riddick, Roberts, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Ward, Whatley and Williams.

—56

Nays: Reps.: Letson, Smith (C) and Wyatt.

—3

H. 558 AGAIN TAKEN UP

The bill, H. 558, as previously amended, with pending amendment and temporarily postponed, was again taken up.

AMENDMENT WITHDRAWN

Rep. Riddick withdrew his amendment #1 to the bill, H. 558 as amended.

AMENDMENT OFFERED

Rep. Riddick offered the following amendment #2 to the bill, H. 558 as amended:

Amend H.B. 558 by the deletion of subsections "(a)" and "(b)" in Section 5 beginning on line 12 on page 8, and by the substitution of the following therefore:

"(a) The applicants named in the application and their respective successors in office shall constitute the members of the Authority. The Governor shall, as soon as convenient after the passage of this Act, appoint one person from each of the now existing seven Congressional Districts as members of the Authority, and at the expiration of the terms for which they are appointed or the existence of a vacancy, their successors. Each member and/or successor shall be a citizen of the State, of good reputation and at the time of their appointment two of such members shall be engaged in the business of home building, two shall be licensed real estate brokers, who are not in the business of home building, one shall be engaged in the business of lending money on the security of mortgages on residential property or the officer or employee of

a Mortgage Lender, one shall be an elected commissioner of a county in the state, one shall be an elected mayor of a municipality. The members first appointed shall be appointed for terms of one, two, three, four, five, six, and seven years respectively, and the Governor in the appointment shall designate the expiration date of the term of the member. Their respective successors shall be appointed for the remainder of any unexpired term or, if appointed at the expiration of a term, for terms of seven years. Each member shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. A member, director or officer of the Authority may be impeached or removed from office in the same manner and on the same grounds as provided in Section 175 of the Constitution of Alabama and the general laws of the State relating to the impeachment and removal of public officers.

(b) The members of the Authority shall constitute all the members of the Board of Directors of the Authority, in which all powers of the Authority shall be vested, and any four members of the Board of Directors shall constitute a quorum for the transaction of the business."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bennett, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Coburn, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Laird, Langford, Letson, McKee, McMillan, Minus, Nevett, Olive, Patton, Pegues, Penry, Rains, Sasser, Smith (C), Smith (J), Smith (M), Trammell, Turner, Turnham, Venable, Waggoner, Ward, Williams, Willis and Wyatt.

—58

AMENDMENT OFFERED

Rep. Reed offered the following amendment to the bill, H. 558 as amended;

Delete subsections "(a)" and "(b)" in Section 5 beginning on line 9 of page 8 and insert in lieu thereof the following:

(a) The applicants named in the application and their respective successors in office shall constitute the members of the Authority. The Governor shall, as soon as convenient after the passage of this Act, appoint one person from each of the now existing seven Congressional Districts as members of the Authority, and at the expiration of the terms for which they are appointed or the existence of a vacancy, their successors. Each member and/or successor shall be a citizen of the State, of good reputation and at the time of their appointment two of such members shall be engaged in the business of home building, two shall be licensed real estate brokers, who are not in the business of home building, one shall be engaged in the business of lending money on the security of mortgages on residential property or the officer or employee of a Mortgage Lender, one shall be an elected commissioner of a county in the state, one shall be an elected mayor of a municipality. Two of the seven members of the commission shall be of a minority race. The members first

appointed shall be appointed for terms of one, two, three, four, five, six, and seven years respectively, and the Governor in the appointment shall designate the expiration date of the term of the member. Their respective successors shall be appointed for the remainder of any unexpired term or, if appointed at the expiration of a term, for terms of seven years. Each member shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. A member, director or officer of the Authority may be impeached or removed from office in the same manner and on the same grounds as provided in Section 175 of the Constitution of Alabama and the general laws of the State relating to the impeachment and removal of public officers.

(b) The members of the Authority shall constitute all the members of the Board of Directors of the Authority, in which all powers of the Authority shall be vested, and any four members of the Board of Directors shall constitute a quorum for the transaction of business.

AMENDMENT TABLED

On motion of Rep. Kelley, the amendment offered by Rep. Reed to the bill, H. 558 as amended, was tabled.

Yeas 24; Nays 19.

Yeas:

Mr. Speaker, Cabaniss, Cheatwood, Drinkard, Edwards, Ford, Gilmer, Grimsley, Hines, Horn, Letson, McMillan, Minus, Nevett, Olive, Patton, Pegues, Penry, Roberts, Sasser, Trammell, Turner, Venable and Wyatt.

—24

Nays:

Reps.: Adams (C), Albright, Barton, Bennett, Carothers, Coburn, Cooley, Cosby, Crow, Goodwin, Greer, Gregg, Hall, Hilliard, Holley, Kennedy, Langford, Smith (M) and Tucker.

—19

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Riddick offered the following amendment No. 3 to the bill, H. 558 as amended:

Amend H.B. 558 by the deletion of the word "five" on line 35 on page 6.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Coburn, Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin,

Greer, Gregg, Grimsley, Hall, Hilliard, Hines, Holmes, Horn, Howard, Laird, Letson, McKee, McMillan, Minus, Mitchell, Nevett, Olive, Patton, Pegues, Penry, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Trammell, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—60

AMENDMENT OFFERED

Rep. Smith (M), offered the following amendment to the bill, H. 558 as amended:

Amend HB 558 by adding the following after semicolon on line 35, page 11:

“provided, that the proceeds from the sale and issuance of such bonds shall be allocated and distributed, equally as nearly as possible, among the now existing Congressional Districts.”

AMENDMENT TABLED

On motion of Rep. Kelley, the amendment offered by Rep. Smith (M) to the bill H. 558 as amended, was tabled.

Yeas 43; Nays 11.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Bowling, Cabaniss, Carothers, Cates, Cheatwood, Coburn, Cosby, Crow, Dial, Edwards, Gilmer, Goodwin, Greer, Grimsley, Hammett, Harvey, Hilliard, Holmes, Howard, Jackson, Johnson (R. G.), McKee, Minus, Olive, Owens, Patton, Pegues, Ray, Shoemaker, Smith (C), Starkey, Stout, Trammell, Turner, Venable, Ward, Whatley, Williams and Wyatt.

—43

Nays:

Reps.: Adams (C), Albright, Gregg, Hall, Horn, Langford, Letson, Rains, Riddick, Roberts and Smith (M).

—11

AMENDMENT OFFERED

Rep. Tucker offered the following amendment to the bill, H. 558 as amended:

Delete subsections “(a)” and “(b)” in Section 5 beginning on line 9 of page 8 and insert in lieu thereof the following:

(a) The applicants named in the application and their respective successors in office shall constitute the members of the Authority. The Governor shall as soon as convenient after the passage of this Act, appoint one person from each of the now existing seven Congressional Districts as members of the Authority, and at the expiration of the terms for which they are appointed or the existence of a vacancy, their successors. Each member and/or successor shall be a citizen of the State, of good reputation and at the time of their appointment two of such members shall be engaged in the business of home

building, two shall be licensed real estate brokers, who are not in the business of home building, one shall be engaged in the business of lending money on the security of mortgages on residential property or the officer or employee of a Mortgage Lender, one shall be an elected commissioner of a county in the state, one shall be an elected mayor or a municipality. One of the seven members of the commission shall be of a minority race. The members first appointed shall be appointed for terms of one, two, three, four, five, six, and seven years respectively, and the Governor in the appointment shall designate the expiration date of the term of the member. Their respective successors shall be appointed for the remainder of any unexpired term or, if appointed at the expiration of a term, for terms of seven years. Each member shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. A member, director or officer of the Authority may be impeached or removed from office in the same manner and on the same grounds as provided in Section 175 of the Constitution of Alabama and the general laws of the State relating to the impeachment and removal of public officers.

(B) The members of the Authority shall constitute all the members of the Board of Directors of the Authority, in which all powers of the Authority shall be vested, and any four members of the Board of Directors shall constitute a quorum for the transaction of business.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 27; Nays 23.

Yeas:

Mr. Speaker, Adams (C), Bedsole, Blake, Cabaniss, Carothers, Crow, Drinkard, Ford, Gilmer, Grimsley, Harvey, Johnson (R. G.), Laird, Letson, McKee, Olive, Patton, Pegues, Sasser, Smith (C), Starkey, Stout, Tucker, Turnham, Venable and Williams.

—27

Nays:

Reps.: Albright, Barton, Bennett, Bowling, Buskey, Cheatwood, Coburn, Cooley, Cosby, Edwards, Hall, Hilliard, Holley, Holmes, Horn, Kennedy, Langford, Nevett, Ray, Smith (M), Turner, Whatley and Wyatt.

—23

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Stewart offered the following amendment to the bill, H. 558 as amended:

Amend H. B. 558 on page 12 by placing a period after the word "loans" on line 24 and by deleting the remaining words in the paragraph including lines through 38.

AMENDMENT TABLED

On motion of Rep. Kelley, the amendment offered by Rep. Stewart to the bill, H. 558 as amended, was tabled.

Yeas 37; Nays 26.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bedsole, Blake, Cabaniss, Carothers, Cates, Coburn, Cooley, Cosby, Crow, Drinkard, Ford, Greer, Grimsley, Harvey, Jackson, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, McKee, Minus, Mitchell, Nevett, Olive, Owens, Patton, Pegues, Ray, Roberts, Starkey, Stout, Venable and Willis.

—37

Nays:

Reps.: Albright, Barton, Bennett, Buskey, Cheatwood, Edwards, Gilmer, Goodwin, Gregg, Hall, Hilliard, Holley, Holmes, Horn, Kennedy, Rains, Riddick, Sasser, Smith (J), Smith (M), Stewart, Turner, Turnham, Warren, Whatley and Wyatt.

—26

H. 558 TEMPORARILY POSTPONED

On motion of Rep. Pegues, the bill, H. 558, was temporarily postponed.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Ford and Drinkard:

H. J. R. 241. COMMENDING DOCTOR O. R. GRIMES OF GADSDEN ON FIFTY YEARS OF DEDICATED SERVICE TO HIS PROFESSION.

WHEREAS, the Legislature of Alabama has noted the recent recognition accorded Dr. O. R. Grimes, one of Gadsden's most prominent physicians, for his 50 years of medical service to the citizens of his community; and

WHEREAS, Dr. Grimes is a native of Coffee Springs in South Alabama; he attended Birmingham-Southern for undergraduate studies and graduated from medical school at Emory University, working the entire time to pay his way through school and finally repaying his college debts some seven years after opening his practice; and

WHEREAS, Dr. Grimes began his practice in Gadsden in 1930, and has since conscientiously served the needs of his patients, making countless sacrifices in his own personal life to render invaluable service to all, regardless of ability to pay; and

WHEREAS, although the majority of Dr. Grimes' work has been in the area of obstetrics, having delivered 8,341 babies during his career, he also re-set thousands of bones and cured his patients of almost every known kind of illness and disease; and

WHEREAS, Dr. O. R. Grimes stands tall as a dedicated physician and indeed has earned the gratitude, love and respect of thousands of citizens in his area of the state; he belongs to a dedicated group, now of the past, who practiced 24 hours a day and seven days a week, coping with illness and disease without the aid of modern-day miracle drugs and equipment; and

WHEREAS, though retired from active practice for some two years, Dr. Grimes' health care involvement continues through volunteer work with the Etowah Health Center in obstetrics and pediatrics, and with the resident's program of the Family Practice Center at Baptist Hospital; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most highly commend Dr. O. R. Grimes on his outstanding career and for his devotion, dedication and excellence of service to his fellowman; we further wish him many long years of continued success and direct that he receive a copy of this resolution as evidence of our deep appreciation and high regard.

On motion of Rep. Ford, the rules were suspended and the resolution, H. J. R. 241, was adopted.

Also:

By Reps. Ford and Drinkard:

H. J. R. 242. COMMENDING MR. FRANK HELDERMAN, SR., RECIPIENT OF THE WILLIAM CRAWFORD GORGAS AWARD.

WHEREAS, the Alabama Legislature has noted the recent naming of Mr. Frank Helderman, Sr., as the recipient of this year's prestigious William Crawford Gorgas Award of the Medical Association of Alabama, the association's highest honor bestowed upon an Alabama citizen not of the medical profession; and

WHEREAS, named for the Alabama native whose destruction of mosquitoes helped to quell yellow fever and malaria epidemics during construction of the Panama Canal and who later became Surgeon General of the United States Army, the Gorgas Award was presented to Mr. Helderman for his "outstanding contribution to the health care of Gadsden and Etowah County"; and

WHEREAS, Mr. Helderman, publisher of The Gadsden Times, has long evidenced his interest in the welfare of others through his leadership in fund raising for the improved health care of his community, most particularly his beneficial efforts on behalf of the Cherokee-Etowah-DeKalb Mental Health Center, Baptist Memorial Hospital, Holy Name of Jesus Hospital and the Gadsden State Junior College nursing program; and

WHEREAS, it is to be noted that, in gratitude, the intensive care unit at Baptist Hospital as well as the School of Nursing building at Gadsden State have been named in his honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we today pay tribute to Mr. Frank Helderman, Sr., expressing the appreciation of the Legislature for his many contributions in the area of quality health care for Alabama citizens.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Helderman that he may know of our sincere congratulations, which we tender in appreciation and in warm praise.

On motion of Rep. Ford, the rules were suspended and the resolution, H.J.R. 242, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 417. To provide that any person who held a classified merit or civil service position that was relinquished to accept a non-merit appointment within the same agency shall be returned to permanent status in the relinquished classification if that person so chooses.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bennett, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark (W), Coburn, Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Hilliard, Hines, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, McKee, McMillan, Mitchell, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Riddick, Sasser, Smith (C), Smith (J), Smith (M), Trammell, Tucker, Turner, Waggoner, Warren, Willis and Wyatt.

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And the bill:

H. 885. To amend Sections 41-20-2, 41-20-3, 41-20-4, 41-20-5, 41-20-6, 41-20-9, 41-20-10, of the Code of Alabama 1975, as amended, and specifically repeals Sections 41-20-7, 41-20-8, 41-20-13 and 41-20-15, Code of Alabama 1975, all of which relate to the Alabama Sunset Law of 1976 so as to provide further for definitions of terminology; to eliminate specified termination dates for certain agencies; to provide further for the dates of termination of agencies terminated; to provide for the submission of recommendations in bill form; to provide further for the furnishing of information by agencies upon request from the sunset committee; to provide further that certain factors may be taken into consideration in determining the public need for continuation; to eliminate zero-based review and evaluation as a criterion in determining sufficient public need; to provide that the legislative reference service shall furnish relevant information concerning agencies under review; to provide further for the legislative procedure in considering the sunset committee's recommendations; to provide further for the termination, modification and continuance of state agencies; to provide further for the commencement and limitation of debate on sunset committee recommendations; to provide further for the period when sunset committee recommendations shall be the first order of business; to provide that the legislature may have any agency reviewed by the sunset committee by passing a joint resolution; to eliminate the four year life limitation on newly created agencies; and to eliminate the need for the governor to consider using the principles of zero-based review and evaluation for each state agency in the preparation of the budget for each fiscal year.

Was taken up.

SUBSTITUTE OFFERED

Rep. Adams (C) offered the following substitute to the bill, H. 885:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 41-20-2, 41-20-3, 41-20-4, 41-20-5, 41-20-6, 41-20-9, 41-20-10, of the Code of Alabama 1975, as amended, and specifically repeals Sections 41-20-7, 41-20-8, 41-20-13 and 41-20-15, Code of Alabama 1975, all of which related to the Alabama Sunset Law of 1976 so as to provide further

for definitions of terminology; to eliminate specified termination dates for certain agencies; to provide further for the dates of termination of agencies reviewed; to provide for the submission of recommendations in bill form; to provide further for the furnishing of information by agencies upon request from the sunset committee; to provide further that certain factors may be taken into consideration in determining the public need for continuation; to eliminate zero-based review and evaluation as a criterion in determining sufficient public need; to provide that the legislative reference service shall furnish relevant information concerning agencies under review; to provide further for the legislative procedure in considering the sunset committee's recommendations; to provide further for the termination, modification and continuance of state agencies; to provide further for the commencement and limitation of debate on sunset committee recommendations; to provide further for the period when sunset committee recommendations shall be the first order of business, except under certain circumstances provided herein; to provide that the legislature may have any agency reviewed by the sunset committee by passing a resolution; to eliminate the four year life limitation on newly created agencies; and to eliminate the need for the governor to consider using the principles of zero-based review and evaluation for each state agency in the preparation of the budget for each fiscal year.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 41-20-2, 41-20-3, 41-20-4, 41-20-5, 41-20-6, 41-20-9, and 41-20-10 of the Code of Alabama 1975, as amended, are hereby amended further to provide as follows:

"§ 41-20-2. As used in this chapter, unless the context requires a different meaning, the following words shall be defined as follows:

"(1) AGENCY. All departments, councils, boards, commissions, divisions, bureaus or like governmental units or subunits of the state of Alabama. which are regulatory in nature.

"(2) CONTINUANCE. Such term, or any derivative thereof, shall mean continuance as presently in existence or as modified or reestablished by recommended legislation.

"(3) PERFORMANCE AUDIT. The same as operational audit.

"(4) TERMINATION. The end, abolishment or annulment of any agency or the act of causing the existence to cease.

"(5) REGULATORY. All licensing, professional occupational boards, and other agencies which issue regulations which affect the public.

"(6) JOINT COMMITTEE'S RECOMMENDATION. The original bill on a subject submitted and introduced by the Sunset Committee and any subsequent substitution and/or amendments whether in a committee or on the floor.

"§ 41-20-3. (a) The following agencies shall automatically terminate be reviewed on or before the dates specified, unless they have received a majority vote by each house of the legislature that they be continued, modified or reestablished. by the legislature:

"(1) October 1, 1982 shall be the termination date for. The following agencies shall be reviewed prior to the 1981 Regular Session and every four years thereafter:

- "a. State board of auctioneers—created by section 34-4-50.
- "b. State board of barber examiners created by section 34-5-13.
- "c. b. Alabama board of cosmetology—created by section 34-7-40.
- "d. Boxing and wrestling commission created by section 41-9-90.
- "e. c. Examining board for professional entomologists, horticulturists, floriculturists and tree surgeons—created by section 28-2-2.
- "f. d. Alabama board of funeral services—created by section 34-13-20.
- "g. e. State pilotage commission—created by section 33-4-1.
- "h. f. State polygraph examiners board—created by section 34-25-4.
- "i. g. State board of examiners for speech pathology and audiology—created by section 34-28A-40.
- "j. h. State board of veterinary medical examiners—created by section 34-29-20.

"(2) October 1, 1983, shall be the termination date for. The following agencies shall be reviewed prior to the 1982 Regular Session and every four years thereafter:

- "a. Alabama real estate commission—created by section 34-27-7.
- "b. Board of bar examiners—created by section 34-3-2.
- "c. Board of registration for sanitarians—created by section 34-28-20.
- "d. Board of examiners of mine personnel—created by section 25-9-9.
- "e. Board for registration of architects—created by section 34-2-20.
- "f. Board of examiners of landscape architects—created by section 34-17-2.
- "g. Alabama state board of public accountancy—created by section 34-1-3.
- "h. State board of registration for foresters—created by section 34-12-30.
- "i. State board for registration of professional engineers and land surveyors—created by section 34-11-30,
- "j. State licensing board for general contracts, created by section 34-8-20

"(3) October 1, 1984, shall be the termination date for The following agencies shall be reviewed prior to the 1983 Regular Session and every four years thereafter:

- "a. State board of chiropractic examiners—created by section 34-24-140.
- "b. Alabama firefighters' personnel standards and education commission—created by section 36-32-2.
- "c. Board of hearing aid dealers—created by section 34-14-30.
- "d. Board of optometry—created by section 34-22-40.

"e. Alabama peace officers' standards and training commission—created by section 36-21-41.

"f. Board of physical therapy—created by section 34-24-192.

"g. Board of plumbing examiners—created by section 40-12-145.

"h. Board of examiners in psychology—created by section 34-26-20.

"i. Board of social worker examiners—created by section 34-30-50.

"j. State board of heating, air conditioning, roofing and sheet metal contractors—created by section 34-31-2.

"(4) October 1, 1985, shall be the termination date for. The following agencies shall be reviewed prior to the 1984 Regular Session and every four years thereafter:

"a. Alabama water well standards board—created by section 22-24-3.

"b. Board of certification of water and waste water systems operators—created by section 22-25-3.

"c. State licensing board for the healing arts—created by section 34-24-1.

"d. State board of medical examiners—created by section 34-24-53.

"e. Board of medical technicians examiners—created by section 34-18-40.

"f. Board of dental examiners—created by section 34-9-40.

"g. Board of nursing—created by section 34-21-2.

"h. State board of examiners of nursing home administrators—created by section 34-20-4.

"i. State board of pharmacy—created by section 34-23-90.

"j. State board of podiatry—created by section 34-24-250.

"k. State Athletic Commission—created by Act No. 80-121, H.B. 381, 1980 Regular Session.

"(b) Any state agency regulating occupations or professions existing on July 31, 1979, and not specifically listed in this section shall be terminated on October 1, 1983, and the provisions of this chapter shall apply to them as if they were enumerated in this chapter and acted on by the legislature and governor as provided in this chapter.

"(c)(b) Any law to the contrary notwithstanding, nothing in this chapter shall be construed to limit the joint committee's right to call any agency for review at a date earlier than specified in this section, nor shall the committee be limited to making recommendations for termination only or continuance only. The committee shall establish its own schedule for review, provided, however, each regulatory agency shall be reviewed at least once every four years. Further, The committee shall determine which other regulatory agencies not enumerated herein in this section it shall review. The House or Senate, by resolution, may require the Sunset Committee to review any agency prior to the next regular legislative session. Upon review of any agency the Sunset Committee may recommend termination, continuance or modification of said agency. The termination date of any agency terminated

under this act shall be on the first succeeding October 1st following the regular legislative session which succeeded said review and presentation of the recommendation of the committee concerning such agency to the legislature, unless otherwise specified. and upon such review said agency shall have a termination date of the first succeeding October 1 following the regular legislative session which succeeded said review by and recommendation of the committee.

"§ 41-20-4. (4) A select joint committee, known as the sunset committee, shall be constituted as follows:

"(b) Three members of the house and three members of the senate shall be elected in the same manner as the elected members of the legislative council by the respective houses: two from the Alabama senate and two from the Alabama house of representatives shall be appointed by the presiding officer of said elected bodies; and the president pro tempore of the senate and the speaker pro tem of the house of representatives. The chairman shall be elected from among the members of the committee, alternating annually between a house member and a senate member.

"(c) Said select joint committee shall be charged with the duty of assisting in the implementation of the procedures of this chapter and shall be charged with the duty of establishing administrative procedures which shall facilitate the review and the evaluation procedure as provided for in this chapter.

"(d) The committee shall submit its report to the offices of the speaker of the house and the president of the senate for distribution to legislators and the governor on or before the first legislative day of the ensuing regular legislative session. Additionally, the committee shall submit a report of its recommendations to the legislature in bill an appropriate form on the first day so that the legislature may vote to accept or reject the recommendation with respect to each agency., however, all sunset bills do not have to be introduced in both houses. If the committee's recommendation is that the agency be continued or modified and the legislature votes to accept the recommendation such agency shall be continued. Any committee having a sunset bill applying to an agency considered reviewed by the sunset committee, shall report by bill form its recommendation for termination, continuance or modification and continuance. Said bills shall be reported to the floor of the respective house no later than the eighth legislative day. These bills shall be the first and priority order of business one hour after that house convenes on the tenth legislative day. If passed by the house of origination, said bill shall be reported to the floor of the other house and be acted on in the other house on or before one hour after convening on the fifth legislative day after passage in the originating house. Provided, however, that either house may, by a 3/5 vote of those members present and voting, consider other business before that house. If the committee's recommendation is that the agency be terminated, such agency shall be terminated upon the date specified in section 41-20-3. If the legislature votes not to accept the recommendation, then the agency shall be continued. The committee shall file with its report data in support of its recommendations with respect to each agency. The committee shall use sections 41-20-8 and 41-20-9 as the guideline in preparing its reports, provided, however, nothing in this section shall be construed to prohibit the committee from using other pertinent criteria and methods.

"(e) The committee members shall be entitled to their usual legislative per diem and expenses for attending meetings of the committee which shall be paid from funds appropriated for the payment of the expenses of the legislature. There shall be no limitation upon the number of days the committee or any subcommittee thereof shall meet; provided, however, the members shall be entitled to payment only for the days they are actually engaged in committee business and are present at the meetings not to exceed 20 days for any one member.

"§ 41-20-5. Legislative Sunset committee review of the agencies shall begin in the year prior to the scheduled regular legislative session next preceding the date upon which the agencies are scheduled for review pursuant to section 41-20-3, and shall conclude with a recommendation in bill form for continuation, modification or termination on or before the first legislative day immediately following said review. The committee is authorized to call any agency other agencies for review, whether or not herein enumerated, with no less than 30 days notice in writing, to the director or head of such agency.

"§ 41-20-6. (a) Pursuant to the language of section 41-20-5, the legislative committee reviewing such agencies, shall hold public hearings and receive testimony from the public and all interested parties.

"(b) All agencies shall bear the burden of establishing that sufficient public need is present which justifies their continued existence.

"(c) All agencies shall provide the Sunset Committee reviewing and evaluating committee with the following information:

"(1) The identity of all agencies under the direct or advisory control of the agency under review;

"(2) All powers, duties and functions currently performed by the agency under review;

"(3) All constitutional, statutory or other authority under which said powers, duties and functions of the agency are carried out;

"(4) Any powers, duties or functions which, in the opinion of the agency under review, are being performed and duplicated by another agency within the state, including the manner in which and the extent to which this duplication of efforts is occurring and any recommendations as to eliminating the duplication;

"(5) Any powers, duties or functions which, in the opinion of the agency under review, is inconsistent with current and projected public needs and which should be terminated or altered; and

"(6) Any other information which the reviewing sunset committee, in its discretion, feels is necessary and proper in carrying out its review and evaluative duties.

"§ 41-20-9. The department of examiners of public accounts, and the legislative fiscal office, and the legislative reference service of the state shall furnish, upon request of the reviewing and evaluating committee, any relevant information including the results of prior audits and reviews of any agency under review.

"§ 41-20-10. On the tenth legislative day of the regular session, one hour after the last house convenes, voting in the respective houses of the legislature on the joint committee's recommendations shall commence and thereafter shall continue from day to day, until voting on all the recommendations with respect to each agency is completed, as the first order of business. Modification or continuance of any agency, unit or subunit shall be by bill for an act passed by simple majority roll call vote of both house and senate, provided, however if no vote is taken prior to the termination of debate then in that event the agency shall terminate automatically as provided herein. Debate limitations provided herein shall commence on the tenth legislative day, unless a majority of those present vote to continue debate for an additional two hours. Debate on the modification, termination or continuance of any agency shall not continue beyond the period of two hours from the start of debate on each bill vote and a recorded vote must be taken at the expiration of said debate.

" 'Debate' as used in this section shall mean two hours total time allocated for discussion on each agency considered. At the end of this two-hour period of time allocated, which shall be continuous and uninterrupted, it shall be mandatory that the president of the senate and the speaker of the house shall, in their respective houses, call for a recorded vote on whether to accept the recommendations with respect to the agency in question. Provided, however, additional two-hour periods of debate are permitted on each bill upon each of the following conditions:

"(1) When it returns from the other house as a house or senate message, or

"(2) is reconsidered, or

"(3) there is a conference committee report, or

"(4) a message from the governor."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed, and Sections 41-20-7, 41-20-8, 41-20-13 and 41-20-15, Code of Alabama 1975, as amended, are hereby expressly repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 65; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Boles, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Coburn, Cooley, Crow, Daniels, Drinkard, Edwards, Ford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Laird, Langford, McKee,

McMillan, Minus, Mitchell, Nevett, Olive, Owens, Patton, Penry, Rains, Ray, Riddick, Roberts, Sasser, Smith (C), Starkey, Stewart, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley and Willis.

—65

Nays: Reps.: Cosby, Letson, Smith (M) and Wyatt.

—4

CO-SPONSORS ADDED

Reps.: Greer and Bennett were added as co-sponsors to the bill, H. 885.

And the bill:

H. 885. To amend Section 41-20-2, 41-20-3, 41-20-4, 41-20-5, 41-20-6, 41-20-9, 41-20-10, of the Code of Alabama 1975, as amended, and specifically repeals Sections 41-20-7, 41-20-8, 41-20-13 and 41-20-15, Code of Alabama 1975, all of which relate to the Alabama Sunset Law of 1976 so as to provide further for definitions of terminology; to eliminate specified termination dates for certain agencies; to provide further for the dates of termination of agencies reviewed; to provide for the submission of recommendations in bill form; to provide further for the furnishing of information by agencies upon request from the sunset committee; to provide further that certain factors may be taken into consideration in determining the public need for continuation; to eliminate zero-based review and evaluation as a criterion in determining sufficient public need; to provide that the legislative reference service shall furnish relevant information concerning agencies under review; to provide further for the legislative procedure in considering the sunset committee's recommendations; to provide further for the termination, modification and continuance of state agencies; to provide further for the commencement and limitation of debate on sunset committee recommendations; to provide further for the period when sunset committee recommendations shall be the first order of business, except under certain circumstances provided herein; to provide that the legislature may have any agency reviewed by the sunset committee by passing a resolution; to eliminate the four year life limitation on newly created agencies; and to eliminate the need for the governor to consider using the principles of zero-based review and evaluation for each state agency in the preparation of the budget for each fiscal year.

As thus amended, was read a third time at length and passed, and ordered said forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Boles, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Coburn, Cooley, Crow, Daniels, Drinkard, Edwards, Ford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harvey, Hilliard, Hines, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, McKee, McMillan, Minus, Mitchell, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Smith (C), Starkey, Stewart, Trammell, Tucker, Turner, Venable, Ward, Warren, Whatley, Willis and Wyatt.

And the bill:

H. 891. To amend Section 37-3-4 and 37-3-33, Code of Alabama 1975 so as to alter the exemption granted motor vehicles hauling passengers to and from their place of employment.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Coburn, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harvey, Hilliard, Hines, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Nevett, Olive, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Smith (C), Smith (M), Starkey, Stewart, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Willis and Wyatt.

—65

And the bill:

H. 770. To provide for bringing certain employees of the disability determination division of the state department of education into the classified service of the state merit system.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 3.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Boles, Cabaniss, Carothers, Carter, Cheatwood, Coburn, Cooley, Cosby, Crow, Drinkard, Ford, Gilmer, Goodwin, Greer, Grimsley, Hammett, Hilliard, Hines, Holley, Horn, Howard, Johnson (Roy), Kennedy, Laird, Langford, McMillan, Minus, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Tucker, Turner, Venable, Waggoner, Warren, Willis and Wyatt.

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Nays: Reps.: Albright, Hall and Letson.

—3

And the bill:

H. 622. (With Amendments): Relating to absentee voting; to alter the procedure for same; to provide further for absentee voting by physically disabled persons and election officers; to prescribe a form for absent voter oaths; to provide further for receiving and counting absentee ballots; to prohibit certain acts and provide penalties therefor; to increase penalties for certain existing crimes; and for such purposes to amend Code of Alabama 1975, Sections 17-10-4, 17-10-5, 17-10-6, 17-10-7, 17-10-8, 17-10-9, 17-10-10, 17-10-11, 18-10-12 and 17-10-17.

Was taken up.

The question was then on the adoption of amendment #1 reported by the Standing Committee on Constitution and Elections, said committee amendment being as follows:

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Amend House Bill 622 on page 1 in the Synopsis on line 14 after the word "oaths;" by striking "to allow voters to request absentee ballots for more than one election,"

And the amendment was adopted.

Yeas 61; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Boles, Cabaniss, Carter, Cates, Cheatwood, Coburn, Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Hines, Holley, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, Minus, Mitchell, Olive, Payne, Pegues, Rains, Ray, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Willis, Wyatt and Zoghby.

—61

Nay: Rep. Jackson.

—1

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Constitution and Elections, said committee amendment being as follows:

Amend House Bill 622, page 3, Section 2, line 11 by placing a period (.) after the word "person" and striking remainder of lines 11 through line 37.

And the amendment was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Boles, Cabaniss, Carothers, Carter, Cates, Cheatwood, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Hilliard, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, McKee, Minus, Mitchell, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Willis, Wyatt and Zoghby.

—66

The question was then on the adoption of the amendment #3 reported by the Standing Committee on Constitution and Elections, said committee amendment being as follows:

Amend House Bill 622, Page 4, Section 2, line 32 after the word "ballot" by striking A voter who has applied for an absentee ballot but who has not voted said absentee ballot may cast a challenged ballot."

Further amend House Bill 622, Page 4, Section 2, line 32 by placing a period (.) after the word "ballot"

Yeas 57; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Boles, Cabaniss, Carothers, Carter, Cates, Cheatwood, Cooley, Cosby, Crow, Daniels, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall,

Hammett, Hines, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Minus, Mitchell, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Tucker, Turner, Venable, Ward, Warren, Willis and Zoghby.

—57

Nay: Rep. Jackson.

—1

The question was then on the adoption of the amendment #4 reported by the Standing Committee on Constitution and Elections, said committee amendment being as follows:

Amend House Bill 622, page 5, Section 3, line 10 after the word "that" by striking "there shall"

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Boles, Cabaniss, Carothers, Carter, Cates, Cheatwood, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Hilliard, Hines, Holmes, Horn, Howard, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Olive, Payne, Pegues, Penry, Ray, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Willis and Zoghby.

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AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 622 as amended:

Amend House Bill 622, Section 5, Page 9, line 22 after the word "person" by striking or may authorize an agent for delivery as is provided for in Section 17-10-5.";

Further amend House Bill 622, line 22 by placing a period (.) after the word "person".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 59; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Cabaniss, Carothers, Carter, Cates, Cheatwood, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Hilliard, Horn, Howard, Johnson (R. G.), Johnson (Roy), Laird, Letson, McKee, McMillan, Minus, Mitchell, Olive, Payne, Penry, Rains, Ray, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Willis, Wyatt and Zoghby.

—59

Nay: Rep. Holmes.

—1

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And the bill, H. 622 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Boles, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harvey, Hilliard, Hines, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Olive, Payne, Pegues, Penry, Rains, Ray, Roberts, Sasser, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Willis, Wyatt and Zoghby.

—70

Nays: Reps. Holmes and Jackson.

—2

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 622:

Mr. Speaker, Adams (H), Barton, Bennett, Cabaniss, Carothers, Cates, Cheatwood, Cooley, Cosby, Crow, Daniels, Drinkard, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harvey, Hilliard, Horn, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, Minus, Mitchell, Olive, Payne, Penry, Rains, Ray, Roberts, Sasser, Smith (J), Starkey, Tucker, Turner, Waggoner, Warren, Willis, Wyatt and Zoghby.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 232. CREATING A SELECT INTERIM COMMITTEE ON JUVENILE JUSTICE.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 671. Relating to the promotion of the production, distribution, improvement, marketing, use and sale of soybeans and soybean products; to amend Section 2-8-88 of the Code of Alabama 1975, so as to increase the intervals between referendums on the assessments imposed on the sale of soybeans for such promotion from three to five years; to amend Section 2-8-91 so as to delete the three percent of the total assessment that the buyer collects for handling said assessments; to repeal Section 2-8-93, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale; and to provide for a referendum within 90 days of the effective date hereof.

Was taken up.

S. 393 SUBSTITUTED FOR H. 671.

On motion of Rep. Smith (C), the bill, S. 393, was substituted for H. 671.

And the bill:

S. 393. Relating to the promotion of the production, distribution, improvement, marketing, use and sale of soybeans and soybean products; to amend Section 2-8-88 of the Code of Alabama 1975, so as to increase the intervals between referendums on the assessments imposed on the sale of soybeans for such promotion from three to five years; to amend Section 2-8-91 so as to delete the three percent of the total assessment that the buyer collects for handling said assessments; to repeal Section 2-8-93, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale; and to provide for a referendum within 90 days of the effective date hereof.

Was read a third time at length and passed.

Yeas 60; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Coburn, Cooley, Crow, Daniels, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harvey, Holley, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, McKee, Minus, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Tucker, Turner, Venable, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—60

Nay: Rep. McMillan.

—1

H. 671 INDEFINITELY POSTPONED

On motion of Rep. Smith (C), the bill, H. 671, was indefinitely postponed.

REPORT FILED

Pursuant to House Joint Resolution 19, Act No. 79-43, of the First Special Session of the Legislature of 1979, Senator Hinton Mitchem, Chairman, submitted the report of the Joint Interim Study Committee on Agriculture, and the report was ordered filed.

SPECIAL ORDER RESUMED

And the bill:

H. 170. To amend Section 40-23-4 of the Code of Alabama 1975, as amended, so as to exempt the gross receipts of sales from state nurseries of forest tree seed and seedlings; in addition to forest tree seed and seedlings grown for commercial timber and game food purposes, Lespedeza bicolor and other species of perennial plant seed and seedlings grown and produced for outplanting as a source of game food are also exempted from taxation on the gross receipts from sales thereof.

Was taken up.

MOTION TO POSTPONE TABLED

On motion of Rep. McKee, the motion offered by Rep. Holmes to postpone the bill, H. 170, to the twenty-eighth legislative day, was tabled.

Yeas 38; Nays 12.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Blake, Bowling, Carothers, Carter, Cates, Cooley, Cosby, Crow, Edwards, Gilmer, Hall, Hammett, Harvey, Hines, Johnson (R. G.), Laird, Letson, McKee, Minus, Mitchell, Olive, Owens, Pegues, Rains, Ray, Roberts, Sasser, Smith (C), Smith (J), Stewart, Venable, Ward, Warren and Wyatt.

—38

Nays:

Reps.: Albright, Buskey, Hilliard, Holmes, Horn, Howard, Jackson, Johnson (Roy), Langford, McMillan, Penry and Tucker.

—12

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 170 TEMPORARILY POSTPONED

On motion of Rep. McKee, the bill, H. 170, was temporarily postponed.

And the bill:

H. 740. To amend Sections 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131 of the Code of Alabama 1975, which relate to the Alabama Board of Funeral Service and provide for the licensing of funeral directors, embalmers and funeral establishments so as to increase various license fees; and to further provide for the licensing of apprentices by lowering the age restriction and requiring that the period of apprenticeship be performed in Alabama.

Was taken up.

AMENDMENT OFFERED

Rep. Mitchell offered the following amendment to the bill, H. 740:

Amend H.B. 740, Section 8, line 22, page 6, by striking the following words:

“Alabama Board of Federal Service.” and insert in lieu thereof the following:

“Alabama Board of Funeral Service.”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bennett, Blake, Bowling, Cabaniss, Carothers, Carter, Cates, Cheatwood, Coburn, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Greer, Grimsley, Hall, Hammett, Harvey, Hilliard, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, McMillan, Minus, Mitchell, Nevett, Olive, Pegues, Penry, Rains, Ray, Roberts, Sasser, Smith (C), Stewart, Stout, Tucker, Turner, Venable, Waggoner, Warren and Wyatt.

—53

And the bill, H. 740 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Coburn, Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Goodwin, Greer, Grimsley, Grouby, Hall, Harvey, Hilliard, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Letson, McMillan, Minus, Mitchell, Nevett, Olive, Payne, Pegues, Penry, Rains, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Venable, Waggoner, Warren, Willis and Zoghby.

—57

Nay: Rep. Wyatt.

—1

And the bill:

H. 925. Authorizing any Class 5 municipality as defined in Section 11-40-12, Code of Alabama 1975, to incorporate a Port Authority for the purpose of building or leasing waterfront facilities; provides the conditions under which the authority shall be created; provides for the election of the officers; provides for the duties and powers of said authority; provides for the issuance of tax exempt securities to finance said authority; provides for the distribution of the proceeds from the issuance of the securities; authorizes refunding of the securities; provides for remedies in the event of a default; and authorizes the authority to enter into contracts.

Was taken up.

SUBSTITUTE OFFERED

Rep. Starkey offered the following substitute to the bill, H. 925:

A BILL TO BE ENTITLED AN ACT

To authorize the incorporation with respect to the several counties and municipalities in this State of port authorities as non-profit public corporations for the purpose of developing any property on or near any navigable river in this State for recreational, transportation, agricultural, industrial and commercial purposes; to provide the method of organizing such corporations, the management thereof and the amendments of its certificate of

incorporation; to specify the powers of such corporations; to authorize such corporations to issue bonds or securities payable solely from the revenues and receipts derived from the operation, lease or sale of its properties and to secure the same by pledges of such revenues and receipts, by mortgages on such properties and by indentures and other agreements; to authorize the refunding of such bonds and securities; to provide that all bonds of such corporations shall be negotiable instruments; to provide for remedies in the event of default of such bonds, securities or indentures; to exempt from taxation such corporations, their properties, their bonds and income therefrom; to provide for the filing of certificates of incorporation and amendments thereto, deeds to such corporations, deeds and leases by such corporations and their indentures and certificates of dissolution without the payment of any tax; to exempt such corporations from usury and interest laws; to exempt such corporations from competitive bid laws; to provide for the disposition of any earnings of the corporation; to provide bonds of such corporations shall be legal investments for executors, administrators, trustees and other fiduciaries and for saving banks and insurance companies; to provide that upon dissolution of such corporations all funds held by them and title to their properties shall vest in the municipality and the county with respect to which they are organized; to declare that this Act shall be cumulative and not restrictive of powers otherwise provided by law; to provide for the correction of errors or omissions in incorporation; and to provide for filings with the Alabama Securities Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. Whenever used in this Act, unless the context plainly indicates otherwise, the present term shall include the future term, the singular shall include the plural, the plural shall include the singular, the masculine shall include the feminine, and the following words and phrases shall have the following meanings respectively ascribed to them by this Section:

(a) "authority" means a non-profit public corporation organized pursuant to the provisions of this Act.

(b) "authorizing subdivision" means any county or municipality to which application has been made for authority to incorporate an authority under this Act.

(c) "board" means the board of directors of an authority.

(d) "director" means a member of the board of directors of an authority.

(e) "county" means any county in this state.

(f) "governing body" means, with respect to a county, the county commission and, with respect to a municipality, the council, commission or other governing body of such municipality.

(g) "municipality" means any incorporated city or town in this state.

(h) "indenture" means any mortgage, indenture of mortgage, deed of trust, trust agreement or trust indenture executed by an authority as security for its bonds.

(i) "project" means any land, any interest in land, any building, structure or improvement thereon, any machinery, equipment, furniture, furnishings, facility or personal property, or any of them, which, in the judgment of the board of an authority is suitable for use by the authority in carrying out

its powers and the functions authorized by this Act, including, without limitation, ports, docks, and all kinds of dock facilities, water and rail terminals and facilities, wharves, piers, berths, quays, loading and unloading facilities and other related facilities, marinas, boating facilities, facilities for aquatic entertainment and sports, facilities for fishing, pavillions, auditoriums, motels, restaurants, coffee shops, stores, warehouses, factories, manufacturing plants, industrial plants, office and other commercial buildings and facilities, or any of them.

(j) "waterfront property" means any property on or near any navigable river in this state.

Section 2. Legislative intent; construction of the Act generally.

(a) It is the intention of the Legislature by the passage of this Act to authorize the incorporation of authorities as non-profit public corporations to develop waterfront property for recreational, transportation, agricultural, industrial and commercial purposes by financing, acquiring, enlarging, improving, replacing, owning, operating, selling, leasing and disposing of a project or projects or any part thereof. It is the further intent of the Legislature by the passage of this Act to vest an authority with all powers that may be necessary to enable it to accomplish such purposes.

(b) This Act shall be liberally construed in conformity with the said intention.

Section 3. Incorporation of authorities. Whenever any number of natural persons not less than three shall file with the governing body of a county and with the governing body of any municipality located, in whole or in part, in such county, an application in writing for authority to incorporate a public corporation under the provisions of this Act and shall attach to such application a proposed form of certificate of incorporation for such corporation, said governing bodies shall each proceed to consider such application. If said governing bodies shall each by appropriate resolution duly adopted, find and determine that each applicant was a duly qualified elector of and taxpayer in the county in which the application was filed and that it is wise, expedient, necessary or advisable that the authority be formed, shall authorize the persons making such application to proceed to form such authority and shall approve the form of certificate of incorporation proposed to be used in organizing such authority, then the persons making such application shall execute, acknowledge and file a certificate of incorporation for the authority as provided in Section 4 hereof.

No authority shall be formed unless such application shall have first been filed as hereinabove provided and the governing bodies of the authorizing subdivision shall each have adopted resolutions as provided in this Section.

Section 4. Certificate of Incorporation and its contents; execution and acknowledgment.

(a) The certificate of incorporation shall set forth:

(1) The names and resident addresses of the applicants together with a recital that each of them is a duly qualified elector of and taxpayer in the county;

(2) The name of the authority which shall be Port Authority (the blank spaces to be filled in with the names of the authorizing subdivisions if such name shall be available for use by the authority, and if not available then the incorporators shall designate some other similar name that is available);

(3) A recital that permission to organize the authority has been granted by resolution duly adopted by the governing body of each authorizing subdivision and the respective dates of adoption of said resolutions;

(4) The location of the principal office of the authority (which shall be in the municipality) and its post office address;

(5) A statement that the authority is organized for the purposes set forth in this Act with all the powers and authorities specified in this Act.

(6) The geographical boundaries of the authority's jurisdiction, which shall be situated within the boundaries of the county which is an authorizing subdivision and extend along the banks of a navigable river and inland for a distance of not more than one mile from said river.

(7) The period, if any, for the duration of the authority (if the duration is to be perpetual that fact shall be so stated); and

(8) Any other matter which the applicants may choose to insert therein which shall not be inconsistent with this Act or with the laws of the State of Alabama;

(b) The certificate of incorporation shall be subscribed and acknowledged by each of the applicants before an officer or officers authorized by the laws of the State of Alabama to take acknowledgments to deeds.

Section 5. Same—filing Probate Judge; examination, approval and recording by Probate Judge. When executed and acknowledged in conformity with Section 4 hereof, the certificate of incorporation shall be filed with the judge of probate of the county which is an authorizing subdivision. The judge of probate shall thereupon examine the certificate of incorporation and, if he finds that the recitals contained therein are correct, that the requirements of Section 4 have been complied with, and that the name is not identical with or so nearly similar to that of another corporation already in existence in this state so as to lead to confusion and uncertainty, he shall approve the certificate of incorporation and record it in an appropriate book or record in his office. The recording of the certificate of incorporation shall be conclusive evidence that the required findings and approvals have been made.

When such certificate has been so made, approved and filed, the applicants shall constitute a public corporation under the name set forth in the certificate of incorporation.

Section 6. Same—amendment. The certificate of incorporation may at any time and from time to time be amended so as to make any changes therein and add any provisions thereto which might have been included in the certificate of incorporation in the first instance.

Such an amendment shall be effected in the following manner: the board of the authority shall file with the governing body of each authorizing subdivision a resolution seeking permission to amend the certificate of incorporation, specifying in such resolution the amendment proposed to be made. The governing body of each authorizing subdivision shall consider such resolution and, if each of them shall be appropriate resolution duly find and determine that it is wise, expedient, necessary or advisable that the proposed amendment be made and shall authorize the same to be made and shall approve the form of the proposed amendment, then the authority shall cause to be executed an instrument embodying the proposed amendment and shall file the same with the judge of probate of the county in which the certificate of incorporation was originally filed. The proposed amendment shall be subscribed and acknowledged by its President or Vice President before an officer

authorized by the laws of Alabama to take acknowledgments to deeds. Such judge of probate shall thereupon examine the proposed amendment and, if he finds that the requirements of this Section have been complied with and the proposed amendment is within the scope of what might be included in an original certificate of incorporation, he shall approve the amendment and record it in an appropriate book, in his office. When such amendment has been so made, approved and filed, it shall thereupon become effective and the certificate of incorporation shall thereupon be amended to the extent provided in the amendment. No certificate of incorporation shall be amended except in the manner provided in this Section. The recording of the amendment shall be conclusive evidence that the requisite findings and approvals have been made.

Section 7. Directors. An authority shall have a board of directors in which all of the powers of the authority shall be vested, and which shall consist of five members. Two directors shall be elected by the governing body of the county which is an authorizing subdivision, two directors shall be elected by the governing body of the municipality which is an authorizing subdivision, and one director shall be elected jointly by the governing bodies of both such county and such municipality. The directors shall be so elected that they shall hold office for staggered terms. The first term of office of one of the two directors elected by the governing body of the county shall be for two years and the first term of office of the other director elected by said governing body shall be for four years. The first term of office of one of the two directors elected by the governing body of the municipality shall be for one year and the first term of office of the other director elected by said governing body shall be for three years. The first term of office of the director elected jointly by the governing bodies of the county and the municipality shall be for five years. Thereafter, the term of office of each director shall be five years. If at the expiration of any term of office of any director a successor thereto shall not have been elected, then the director whose term of office shall have expired shall continue to hold office until a successor shall be so elected. Each director elected by the governing body of one of the authorizing subdivisions shall be a resident of the authorizing subdivision by whose governing body he was elected, but the director elected jointly by the governing body of both authorizing subdivisions need only be a resident of the county. If a director resigns, dies, or becomes incapable or ineligible to act as director, a successor to serve the unexpired period of his term shall be elected by the governing body or bodies by which the director whose unexpired term he is to fill was elected. Directors shall be eligible for re-election by the governing body or bodies by which they were initially elected. No director shall be an officer or employee of the state or of an authorizing subdivision.

(b) A majority of the members of the board shall constitute a quorum for the transaction of business, but any meeting of such board may be adjourned from time to time by a majority of the directors present or may be so adjourned by a single director if such director is the only director present at such meeting. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and duties of the authority. Any matter in which the board is authorized to act may be acted upon at a regular, special or called meeting. At the request of any director, the vote on any question before the board shall be taken by yeas and nays entered upon the record. All proceedings of the board shall be reduced to writing by the secretary of the authority and recorded in a well-bound book which shall open for inspection by each director and the public at all reasonable times. Copies of such proceedings when certified by the secretary of an authority under its seal

shall be received in all courts as evidence of the matters and things therein certified. Directors and officers of an authority shall serve without compensation, except that they may be reimbursed for actual expenses incurred in the performance of their duties. Any director may be impeached and removed from office in the manner and on the same grounds provided for in Section 175 of the Constitution of Alabama of 1901, and the general laws of the State for impeachment and removal of officers mentioned in said Section 175. An authority shall make to its authorizing subdivisions an annual report of its activities and of its plans for the future, which report shall include a financial operating statement and balance sheet prepared and certified by the Examiner of Public Accounts for the State of Alabama or by a certified public accountant.

Section 8. Officers. The officers of an authority shall consist of a president, a vice president, a secretary, a treasurer, and such other officers as the board may determine. The office of secretary and treasurer may be held by the same person. All officers shall be elected by the board and shall be members of the board.

Section 9. Powers.

(a) An authority organized and existing under this Act shall have the following powers, together with all powers incident thereto or necessary for the performance of those stated herein:

(i) To adopt by-laws for the regulation of its affairs and the conduct of its business;

(ii) To adopt an official seal and alter the same at pleasure;

(iii) To maintain a principal office in the municipality which is an authorizing subdivision and sub-offices at such other place or places within the county which is an authorizing subdivision as its board may designate;

(iv) To sue and be sued in its own name, excepting actions in tort against the authority;

(v) To acquire, whether by purchase, construction, exchange, gift, lease or otherwise and to improve, equip and furnish and to own and maintain one or more projects or parts thereof, including all real and personal properties and interests therein which its board may deem necessary in connection therewith, regardless of whether or not any such project or projects shall then be in existence;

(vi) To acquire, whether by purchase, construction, exchange, gift or otherwise and to improve rights of way, streets, approaches, roads, railroads lines, interests in land, including the fee simple title to real property and riparian rights necessary or useful and convenient in gaining access, entry, or approach to waterways, whether or not such easements, rights of way, streams, approaches, roads, railroads lines, interests in land and riparian rights lead to property owned or controlled by the authority.

(vii) To acquire, receive, take, hold, whether by purchase, gift, lease, devise or otherwise, property of every description, whether real, personal or mixed, and to manage the same and to develop any undeveloped property owned, leased or controlled by it;

(viii) To sell and convey, or grant options for such purpose, any or all of its projects or properties, whenever its board shall find such actions to be in furtherance of the purposes for which the authority was organized;

(ix) To exchange or donate any or all of its projects or properties whenever its board shall find such action to be in furtherance of the purposes for which an authority was organized;

(x) To execute such contracts or instruments and to take such action as may be necessary or convenient to carry out the purposes of this Act or to exercise any power or authority granted herein;

(xi) To lease or let any project or any part thereof to such tenant or tenants for such term or terms at such compensation or rentals and subject to such provisions, limitations and conditions as its board may approve;

(xii) To operate a project or projects or parts thereof other than factories, manufacturing plants and industrial plants;

(xiii) To furnish food, lodging, shelter, lawful drinks, confections, reading matter, oil, gas, motor fuels, watercraft, motor and watercraft parts, equipment and the services of mechanics, instructors and repairmen for reward or compensation;

(xiv) To charge fees for admission to any of its properties;

(xv) To borrow money for the purpose of carrying out any of its powers and to issue its bonds or other securities in evidence thereof, including bond anticipation notes;

(xvi) To assign and pledge any revenues received by an authority from the lease, sale or operation of any or all of its projects or any part or parts thereof as security for the payment of the principal of and interest and premium, if any, on any bonds or other securities and the performance of any agreements made in connection therewith, whether then owned or thereafter acquired;

(xvii) To appoint, employ, contract with and provide for compensation for such employees and agents, including engineers, architects, attorneys, consultants, fiscal advisors, and such other employees or agents as the business of the corporation may require, including the power to fix working conditions by general rules and other conditions of employment, and at its option to provide a system of disability payments, retirement compensation and pension or any of them and to hire and fire servants, agents and employees at will;

(xviii) To make and execute contracts and other instruments necessary to exercise the powers of the authority;

(xix) To fix, establish, collect and alter landing fees, docking fees, tolls, rents and other charges for the use of any project or projects or parts thereof owned or controlled by an authority;

(xx) to make and enforce rules and regulations governing the use of any project, property or facilities owned or controlled by an authority;

(xxi) To provide such insurance, including use and occupancy insurance, as its board may deem advisable;

(xxii) To cooperate with the State, any department or agency of the State, any county, municipality or other political subdivision of the State or with the United States of America or any of its departments or agencies or any corporation or authority organized or controlled by the United States of America, and to make such contracts therewith as its board may deem advisable;

(xxiii) To receive and accept grants for and in aid of construction, extension, improvement, maintenance or operation of any of its facilities or properties from the United States of America or any agency or department thereof or any corporation or authority organized or controlled thereby, from the State or any agency or department thereof, any political subdivision thereof or any municipality or county, and to receive and accept money, property, labor or other things of value from any source whatsoever.

(b) Any project or projects of an authority may be located at any place or places within the geographical boundaries of the authority's jurisdiction as set forth in its certificate of incorporation or any amendment provided however no project or part thereof shall be located within the corporate limits or police jurisdiction of a municipality which is not an authorizing subdivision unless the governing body of such municipality has first adopted a resolution consenting to the location of such project or part thereof within its corporate limits or police jurisdiction, as the case may be.

Section 10. Bonds—form, terms, denominations, redemption and other provisions, sale and delivery. All bonds and securities issued by an authority shall be payable solely out of the revenues derived by the authority from the leasing, sale or operation of any or all of its projects as may be designated in the proceedings of its board under which the same shall be authorized to be issued. None of the bonds, securities or notes of an authority shall ever constitute an obligation or debt of the State, of any authorizing subdivision, or of any county or municipality of the State or a charge against the credit or taxing powers of any of them.

Bonds of an authority may be executed and delivered by the authority at any time and from time to time, may be in such form and denominations and of such tenor and maturities, may be in registered or bearer form, either as to principal or interest or both, may be payable at such time or times not exceeding forty years from their date, may be made subject to redemption, may be payable at such place or places whether within or without the State of Alabama, may bear interest at such rate or rates (including variable rates), payable at such time or times and at such place or places and evidenced in such manner, and may contain such other provisions not inconsistent with this Act, all as shall be provided in the proceedings of its board whereunder the bonds shall be authorized to be issued. Any bond having a stated maturity more than ten years after its date shall state that it is subject to redemption at the option of the authority at the expiration of ten years from its date and on any interest payment date thereafter at such price or prices and after such notice or notices and on such terms and in such manner as may be provided in the proceedings wherein such Bond is authorized to be issued.

Any bonds of an authority may be sold at public or private sale in such manner and from time to time as may be determined by its board to be most advantageous and the authority may pay all expenses, premiums, fees and commissions that its board may deem necessary or advantageous in connection with the issuance thereof.

The issuance by an authority of one or more series of bonds for one or more purposes shall not preclude it from issuing other bonds in connection with the same project or other projects, but the proceedings whereunder any subsequent bonds may be issued shall recognize and protect any prior assignment, lien or indenture for any prior issue of bonds unless in the proceedings authorizing such prior issue the right was reserved to issue subsequent bonds on a parity with such prior issue.

All bonds shall contain a recital that they are issued pursuant to the provisions of this Act, which recitals shall be conclusive that they have been duly authorized pursuant to the provisions of this Act.

All bonds issued hereunder and any interest coupons applicable thereto are hereby made and shall be construed to be negotiable instruments.

Section 11. Same—Execution. All bonds shall be signed by the president or vice president and the secretary or treasurer of the authority and the seal of the authority shall be affixed thereto; provided that a facsimile of the signature of one, but not both, of the officers whose signatures will appear on the bonds may be imprinted thereon in lieu of his manually signing the same; and provided further, that a facsimile of the seal of the authority may be imprinted or otherwise reproduced on the bonds in lieu of being manually affixed thereto. Coupons shall be signed by the president or vice president and the secretary and treasurer of the authority, but a facsimile of the signature of such president or vice president and such secretary or treasurer may be imprinted on any such interest coupons in lieu of their manually signing the same. Delivery of bonds so executed shall be valid notwithstanding any changes in officers or in the seal of the authority after the signing and sealing of the bonds.

Section 12. Same—Indenture, Lien; Remedies of Bondholders. In the discretion of its board, any bonds issued by an authority may be secured by an indenture between an authority and a trustee, which may be any trust company or bank having trust powers, whether such bank or trust company is located within or without the State. In any such indenture or resolution providing for the issuance of bonds an authority may pledge, for payment of the principal of and the interest on such bonds, any of its revenues to which its right then exists or may thereafter come into existence and may assign, as security for such payment, any of its leases, franchises, permits and contracts; and in any such indenture, an authority may mortgage any of its properties, including any that may be thereafter acquired by it, and may provide that in the event of a default in payment of the bonds secured thereby or in the event of default with respect to any agreement contained therein, such mortgage may be foreclosed either by sale at public outcry or by judicial proceedings. Any such pledge of revenues shall be valid and binding from the time it is made, and the revenues so pledged and thereafter received by the authority shall immediately become subject to the lien of such pledge without any physical delivery thereof or further act. The lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether the parties have actual notice thereof, from the time a statement is filed in the office of the judge of probate of the county and any other county in which any part of the property, the revenues from which are so pledged, is located. Such notice need state only the date on which the resolution authorizing the issuance of the bonds was adopted by the board, the principal amount of bonds issued, a brief description of the revenues so pledged and a brief description of any property the revenues from which are so pledged. In any indenture or resolution authorizing the issuance of bonds and pledging for the benefit thereof revenues from any one or more of its facilities, the authority shall have the power to include provisions customarily contained in instruments securing evidence of indebtedness, including, without limiting the generality of the foregoing, provisions respecting the collection, segregation and application of any rental or other revenue due to or to become due to the authority, the terms to be incorporated in any lease agreement respecting any property of the authority, the maintenance and insurance of any building, structure or other property owned by the authority, the creation and maintenance of

special funds from any revenue of the authority and the rights and remedies available in the event of default to the holder of the bonds or the trustee under the indenture, all as its board shall deem advisable and as shall not be in conflict with the provisions of this Act. If there be any default by an authority in payment of the principal of or the interest on the bonds or in any of the agreements on the part of an authority that may properly be included in any indenture securing the bonds or in any resolution authorizing their issuance, any holder of any of the bonds or any of the coupons, or the trustee under any indenture if so authorized in such indenture, may (in addition to any other remedies herein provided or otherwise available) by suit, action, mandamus or other proceedings, enforce payment of such principal or interest and compel performance of all duties of the board and officers of the authority, and shall be entitled as a matter of right and regardless of the sufficiency of any such security to the appointment of a receiver with all the powers of such receiver for the operation and maintenance of the property of the authority covered by such indenture or resolution and the collection, segregation and application of revenues therefrom. The indenture or any resolution may also contain provisions restricting the individual rights of action of the holders of the bonds and coupons.

Section 13. Same—Application of Bond Proceeds. The proceeds derived from the sale of any bonds shall be applied as provided in the proceedings in which the bonds are authorized to be issued, including without limitation, the payment of all legal, fiscal and recording fees and expenses incurred in connection with the authorization, sale and issuance of the bonds and if so provided in the proceedings authorizing their issuance, interest on said bonds (or, if a part only of any issue of bonds is issued for acquisition purposes, interest on that portion of the bonds of that issue that is issued to pay acquisition costs) for a reasonable period prior to and during the time required for the acquisition, construction and equipping of the project and for a period not exceeding eighteen months after the completion thereof. An authority may provide in the proceedings authorizing the issuance of bonds for the capitalization of a debt service reserve and/or a replacement and extension reserve from the proceeds of its bonds.

Section 14. Same—Refunding. An authority may at any time and from time to time issue refunding bonds for the purpose of refunding the principal of and the interest on any bonds of the authority theretofore issued hereunder and then outstanding, whether or not such principal and interest shall have matured at the time of such refunding, and for the payment of any expenses incurred in connection with such refunding and any premium necessary to be paid in order to redeem, retire or purchase for retirement the bonds to be refunded. The proceeds derived from the sale of any refunding bonds shall be used only for the purposes for which the refunding bonds were authorized to be issued. Any such refunding may be effective either by sale of the refunding bonds and the application of the proceeds thereof, or by exchange of the refunding bonds for the bonds or interest coupons to be refunded thereby; provided that the holders of any bonds or coupons so to be refunded shall not be compelled without their consent to surrender their bonds or coupons for payment or exchange prior to the date on which they may be paid or redeemed by call of the authority under their respective provisions. All provisions of this Act pertaining to bonds of an authority that are not inconsistent with the provisions of this section shall, to the extent applicable, also apply to refunding bonds issued by such authority. An authority may at any time and from time to time issue bonds both for the purpose of so refund the principal of and the interest on any of its bonds and for any other purpose for which it is

authorized to issue bonds, in which event the provisions hereof respecting refunding bonds shall apply only to that portion of such combined issue authorized for refunding purposes and the provisions thereof respecting other financing shall apply to the remaining portion of such combined issue.

Section 15. Liability of Authorizing Subdivisions upon bonds, obligations and agreements of an authority. Neither of the authorizing subdivisions of an authority shall in any event be liable for the payment of the principal of, interest and premium, if any, on any bonds of an authority or for the performance of any pledge, assignment, indenture, obligation or agreement of any kind whatsoever which may be undertaken by an authority and none of the bonds of an authority or any of its agreements or obligations shall be construed to constitute an indebtedness of any authorizing subdivision within the meaning of any constitutional or statutory whatsoever.

Section 16. Disposition of Net Earnings. Each authority organized hereunder shall be a non-profit public corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event its board shall determine that sufficient provision has been made for the full payment of the expenses, bonds and other obligations of the authority, then any net earnings of an authority thereafter accruing shall be paid in equal amounts to its authorizing subdivisions.

Section 17. Bonds are legal investments. Bonds issued under this Act are hereby made legal investments for executors, administrators, trustees and other fiduciaries and for savings banks and insurance companies organized under the laws of the State of Alabama.

Section 18. Dissolution of an authority and disposition of properties. Whenever the board of any authority shall by resolution determine that the purposes for which the authority was formed have been substantially complied with and any bonds theretofore issued and all obligations theretofore incurred by the authority have been paid, the authority shall thereupon execute and file for record in the office of the judge of probate of the county in which its certificate of incorporation was filed a certificate of dissolution reciting such facts and declaring the authority to be dissolved. Such certificate of dissolution shall be signed by the president or vice president of the authority under its corporate seal.

Upon the filing of such certificate of dissolution the authority shall stand dissolved, the title to all funds and properties owned by it at the time of such dissolution shall vest in equal shares in its authorizing subdivisions and the possession of such funds and properties shall forthwith be delivered to such authorizing subdivisions.

Section 19. Exemption from taxation. Each authority incorporated under this Act and all properties at any time owned by it and the income therefrom and all bonds issued by it and the income therefrom shall be exempt from all taxation in the State of Alabama, including, without limitation, ad valorem, sales, excise, license and privilege taxes. The certificate of incorporation of each authority, the certificate of dissolution of each authority, all deeds or other documents whereby properties are conveyed to an authority and all deeds, indentures or leases executed by an authority may be filed for record in the office of the judge of probate of the county in which the authority is organized without the payment of any tax or fees other than such fees as may be authorized by law for the recording of such instrument.

Section 20. Exemption—usury and interest laws. Each authority incorporated under this Act shall be exempt from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 8, Title 8 of the Code of Alabama 1975.

Section 21. Exemption—competitive bid laws. Each authority incorporated under this Act and all contracts entered into by it shall be exempt from all laws of the State of Alabama requiring or governing competitive bids, including without limitation, the provisions and requirements of Article 3 of Chapter 16 of Title 41 of the Code of Alabama 1975.

Section 22. Construction of Act.

(a) Neither this Act nor anything contained in this Act shall be construed as a restriction or limitation upon any powers which an authority may otherwise have under any laws of this State, but shall be construed as cumulative of any such powers.

(b) No proceedings, notice or approval shall be required for the organization of an authority or the issuance of any bond or any indentures or instruments as security therefor, except as provided in this Act, any other law to the contrary notwithstanding; provided, that nothing in this Act shall be construed to deprive the State or its governmental subdivisions of their respective police powers over any properties of the authority or to impair any power thereof of any official or agency of the State or its governmental subdivisions which might be otherwise provided by law.

Section 23. Filing with Securities Commission. An authority proposing to issue any bonds under the authority of this Act shall comply with and be entitled to the benefits of the pre-issuance procedures specified in Article 5, Chapter 6, Title 8 of Code of Alabama 1975.

Section 24. Correction of Errors or Omissions in Incorporation. If an authority formed under this Act has failed to comply with the requirements of this Act in its organization, such omission or defect may be corrected as follows:

(a) Its board shall file with the governing body of each authorizing subdivision of the authority a resolution seeking permission to correct the defect or omissions, specifying such defect or omission in the resolution.

(b) The governing body of each such authorizing subdivision shall consider such resolution and if each shall by appropriate resolution duly find and determine that it is advisable that the proposed correction be made and shall authorize the same to be made, then the president or vice president of the authority shall execute an instrument in the name of the authority embodying the corrections and shall file the same with the judge of probate of the county in which the certificate of incorporation was originally filed. Such filing shall relate back to the organization of the authority except as to rights of third parties which have intervened.

Section 25. Severability. In the event any provision of this Act shall be invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 26. Repeal. All laws or parts thereof which conflict with this Act are hereby repealed.

Section 27. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Bedsole, Blake, Bowling, Cabaniss, Carothers, Cates, Cheatwood, Coburn, Cosby, Daniels, Drinkard, Edwards, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harvey, Howard, Laird, Langford, Letson, McMillan, Minus, Nevett, Olive, Owens, Pegues, Rains, Ray, Roberts, Sasser, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Wyatt and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO ADJOURN LOST

The motion offered by Rep. Holmes that the House adjourn was lost.

SPECIAL ORDER RESUMED

And the bill:

H. 925. To authorize the incorporation with respect to the several counties and municipalities in this State of port authorities as non-profit public corporations for the purpose of developing any property on or near any navigable river in this State for recreational, transportation, agricultural, industrial and commercial purposes; to provide the method of organizing such corporations, the management thereof and the amendments of its certificate of incorporation; to specify the powers of such corporations; to authorize such corporations to issue bonds or securities payable solely from the revenues and receipts derived from the operation, lease or sale of its properties and to secure the same by pledges of such revenues and receipts, by mortgages on such properties and by indentures and other agreements; to authorize the refunding of such bonds and securities; to provide that all bonds of such corporations shall be negotiable instruments; to provide for remedies in the event of default of such bonds, securities or indentures; to exempt from taxation such corporations, their properties, their bonds and income therefrom; to provide for the filing of certificates of incorporation and amendments thereto, deeds to such corporations, deeds and leases by such corporations and their indentures and certificates of dissolution without the payment of any tax; to exempt such corporations from usury and interest laws; to exempt such corporations from competitive bid laws; to provide for the disposition of any earnings of the corporation; to provide bonds of such corporations shall be legal investments for executors, administrators, trustees and other fiduciaries and for saving banks and insurance companies; to provide that upon dissolution of such corporations all funds held by them and title to their properties shall vest in the municipality and the county with respect to which they are organized; to declare that this Act shall be cumulative and not restrictive of powers otherwise provided by law; to provide for the correction of errors or omissions in incorporation; and to provide for filings with the Alabama Securities Commission.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Blake, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Coburn, Cosby, Daniels, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Howard, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McMillan, Minus, Nevett, Payne, Pegues, Rains, Ray, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Turner, Venable, Waggoner, Ward, Warren, Whately, Wyatt and Zoghby.

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REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 232. CREATING A SELECT INTERIM COMMITTEE ON JUVENILE JUSTICE.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 961. (With Amendment): To amend further § 2-7-31 Code of Alabama 1975 which relates to prizes and premium awards at agricultural fairs so as to increase the maximum amount authorized to be paid to the members of the Special Awards Committee for Fairs for per diem and travel allowance in any fiscal year.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 29; Nays 20.

Yeas:

Reps.: Adams (H), Albright, Barton, Bennett, Bowling, Cates, Cheatwood, Crow, Daniels, Drinkard, Edwards, Ford, Greer, Grouby, Harvey, Holmes, Letson, Patton, Penry, Rains, Ray, Starkey, Stout, Tucker, Turner, Venable, Warren, Willis and Wyatt.

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Nays:

Mr. Speaker, Carothers, Carter, Gregg, Grimsley, Hall, Hammett, Hilliard, Holley, Laird, Langford, McKee, Minus, Olive, Owens, Payne, Pegues, Sasser, Smith (C) and Stewart.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 577. To prescribe that it is unlawful for any person to knowingly permit his automobile or other motor vehicle, or to park or cause to be parked any unattended automobile or other motor vehicle on state property; to authorize capital security police officers and other authorized persons to remove tow or impound any such motor vehicle; to provide for certain prima facie presumptions against the registered owner of the motor vehicle; and to provide penalties for violations of the provisions of this act in the same manner as prescribed in Section 32-5-312 of the Code of Alabama 1975.

Was taken up.

AMENDMENT OFFERED

Rep. Barton offered the following amendment to the bill, H. 577:

Amend House Bill 577, Page 2, Section 1, Line 8, by changing the period to a semi-colon and adding the following:

provided, however, that no car will be removed without permission of the Legislator who is assigned to that parking space.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bennett, Blake, Bowling, Cabaniss, Carothers, Carter, Cates, Cheatwood, Cooley, Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harvey, Hilliard, Holley, Holmes, Kelley, Kennedy, Laird, Langford, McKee, Minus, Mitchell, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Riddick, Roberts, Sasser, Smith (C), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Willis, Wyatt and Zoghby.

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And the bill, H. 577 as thus amended, was read at third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bennett, Blake, Bowling, Cabaniss, Carothers, Carter, Cates, Cheatwood, Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harvey, Hilliard, Holley, Holmes, Howard, Kennedy, Laird, Langford, Letson, McKee, Minus, Mitchell, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Riddick, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Willis and Zoghby.

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Nay: Rep. Wyatt.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 585. Providing clerk hire allowance for Probate Judges of Barbour County.

Also:

H. 797. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro, in Jackson County.

Also:

H. 827. Relating to Winston County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 839. Relating to Barbour County; providing for a salary supplement for the circuit judge and the district court judge.

Also:

H. 902. Relating to Lamar County; giving the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individuals or nonprofit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Also:

H. 903. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sulligent, in Lamar County.

Also:

H. 908. Relating to Marion County; providing further for the employees of the office of the sheriff.

Also:

H. 938. Relating to Bibb County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual or

nonprofit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Also:

H. 939. Relating to Bibb County, to provide further for taxing and collecting of certain additional court costs for district and circuit court cases, and to deposit such costs to the county general fund for jail and courtroom facilities.

Also:

H. 940. Relating to Bibb County; providing that the expense allowances of the county governing body provided for by Act No. 79-378, H. 868, 1979 Regular Session (Acts 1979, p. 600), shall be paid from the gasoline tax fund allocated to the county.

Also:

H. 941. Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

Also:

H. 942. Relating to Bibb County; providing an additional expense allowance for the secretary of the board of Equalization.

Also:

H. 943. Relating to Bibb County; providing an additional expense allowance for the county superintendent of education which shall be in lieu of the dwelling now furnished to said superintendent; and to make the expense allowance provision of this act retroactive.

McDOWELL LEE,
Secretary.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolution hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:35 P.M. on April 23, 1980.

H. J. R. 232

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Smith (J) and pursuant to the resolution, H. R. 230, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, April 29, 1980.

TWENTY-SIXTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, April 29, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Jack Holland, Pastor, Dexter Avenue United Methodist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (Y), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray Reed, Riddick, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-fifth legislative day and finds the same to be correct.

LEIGH PEGUES,
Chairman.

On motion of Rep. Clark, G., the reading at length of the Journal of the House for the twenty-fifth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-fifth legislative day was approved.

MOTION IN WRITING

Rep. Cooley filed the following Motion in Writing:

Having voted on the prevailing side by which House Bill 961 was passed, I now move to reconsider the vote by which said Bill was passed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 142. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-1—11-44-57, Code of Alabama, 1975, to fix the salaries of all commissioners at least six months before the next election of any commissioner and to amend § 11-44-18, Code of Alabama, 1975.

Also:

H. 143. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-70—11-44-105, Code of Alabama, 1975, to fix the salaries of all Commissioners at least six months before the next general election of any commissioner and to amend § 11-44-80, Code of Alabama, 1975.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 776. To provide that any Class 5 city, according to Section 11-40-12 of the Code of Alabama 1975, as amended from time to time, may hold its city election on the second Tuesday in July 1980, and the run-off election three weeks after said second Tuesday, with the city election every three years thereafter to be held at the same appointed time, upon adoption of a resolution to such effect by the city governing body.

Also:

H. 320. To amend Section 36-26-17 of the Code of Alabama, 1975 relating to the manner of filling vacancies in the classified service to allow the Attorney General to appoint attorneys and legal research aides from a register without regard to the ranking of eligibles.

Also:

H. 41. This Act, "The Excellence in Local Education Act," makes legislative findings and pursuant to such findings requires by October 1, 1982 local county or city governing bodies to have local tax-based funding to support local schools in an amount equivalent to ten mills of ad valorem tax in order for local school systems to receive a full allocation under the minimum program law.

Also:

H. 61. To amend Section 31-2-52, Code of Alabama 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

Also:

H. 58. To amend Section 31-2-112, Code of Alabama, 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rep. Clark (G):

H. R. 243. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Tuesday, April 29, 1980, we adjourn to meet again on Thursday, May 1, 1980, at 10:00 A.M.

On motion of Rep. Clark (G), the rules were suspended and the resolution, H. R. 243, was adopted.

LEAVE OF ABSENCE

At the request of Rep. Carter, leave of absence was granted for Reps. Parker, Stewart, Roberts and Brakefield.

At the request of Rep. Gafford, leave of absence was granted for Rep. Biddle.

At the request of Rep. Albright, leave of absence was granted for Rep. Gregg.

BILLS ON SECOND READING

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 103. To provide that legislative appropriations to the University of Alabama in Birmingham and the University of South Alabama are for the unrestricted support of the activities of the University and therefore insurance companies are prohibited from applying or taking into account in any manner any portion of those appropriations in determining reimbursement for patient care activities.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 1033. (With Amendments): To establish the Office of State Planning and Federal Programs; to provide for the efficient coordination of and cooperation in the programs of the various governmental agencies, political subdivisions of the state, private groups and institutions, engaged within this state in promoting the human, economic, and physical resources of the state or in the several regions or areas thereof; to provide for the efficient and coordinated procurement and use by state governmental agencies, political subdivisions of the state, instrumentalities, and institutions of loans, grants, and other forms of assistance from the federal government; to provide for the appointment of the Director of State Planning and Federal Programs and the employees of the Office of State Planning and Federal Programs; to define the powers and duties of the Office of State Planning and Federal Programs; to provide for the compensation and benefits of said employees; to transfer to the Office of State Planning and Federal Programs all functions, powers, authority and duties and all the books, records, supplies, equipment, personnel, and property and assets of whatsoever nature, heretofore had, exercised, used or employed by the Alabama Development Office in the pursuit of the functions herein delineated, including: 1) state planning and programming; 2) proposing or designating areas for the purposes of administering programs which receive aid under federal acts in various political subdivisions or regions; and 3) area-wide planning, review and advise of projects, coordination, and informational services for state and federal grant-in-aid programs; to specifically state the legislative intent is to maintain and retain all the powers, duties, responsibilities, personnel, property and assets of whatsoever nature, not involved in federal programs and federal grants and federal assistance, in the Alabama Development Office, and in the director of the Alabama Development Office, as the case may be, and that Alabama Development Office shall retain all of its authority, powers, duties, responsibilities, and functions for industrial development; to authorize the governor to transfer, from the general fund of the state treasury from funds currently available unencumbered and designated as federal revenue sharing or other federal funds, or from other unencumbered funds appropriated from the legislature for the current use by the governor, such amounts, as he deems necessary to implement the provisions of this act, to the office of State Planning and Federal Programs; to prescribe that the governor shall have certain duties, powers, and responsibilities therefor; to repeal all laws and parts of laws in conflict with this act.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1034. To abolish the state industrial board and to transfer certain of its powers, duties, functions and authority, together with records, property and funds and assets of whatsoever nature, to the Alabama industrial development advisory board; to create the Alabama industrial development advisory board and to provide for the powers, authority, appointment, terms, removal from office, and compensation of the members of such board; to provide that the board will consist of seven members at-large, appointed by the governor who shall be the chairman thereof; to provide that the board shall advise and consult with the governor and director of Alabama development office relative to industrial and commercial development and programs therefor, including facilitation of foreign investment within the state; to transfer to the Alabama industrial development advisory board those duties and powers prescribed in Section 41-9-183 of the Code of Alabama, 1975,

except those prescribed for the office of state planning and federal programs by legislative act; to amend Section 41-9-184 of the Code of Alabama, 1975, relating to the bureau of publicity and information, so as to require the director to cooperate in matters of economic expansion and promotion with the Alabama industrial development advisory board and the director of Alabama development office; and to repeal conflicting laws.

H. 1036. To amend Section 32-6-130 of the Code of Alabama 1975 which relates to disabled veterans' license plates, so as to provide for the free issuance of said plates to certain disabled veterans.

H. 1035. To amend Sections 41-9-201 and 41-9-202 of the Code of Alabama 1975, relating to the Alabama development office, so as to further provide for the composition, the powers and duties thereof, and to allow the director to appoint additional assistant directors outside of the classified service, and to bring certain additional industry-related agencies under said office.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 354. (With Substitute): To promote the conservation of the state's petroleum resources and to encourage the use of alternative motor fuels, and to accomplish such measures by offering a tax incentive in the form of a reduced rate of taxation on the motor fuel known as "gasohol," as defined herein.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1094. To further provide for taxation relating to the sale of alcoholic beverages; to levy an additional state sales tax on the sale of alcoholic beverages sold at retail by the Alcoholic Beverage Control Board or its stores; to provide that the revenues produced from the additional tax shall be collected by the Alcoholic Beverage Control Board and paid to the Department of Revenue for distribution in the manner as are other such taxes; to allow the Department of Revenue to retain a reasonable sum for the cost of collection and distribution of the net proceeds; to prescribe that the net proceeds generated by this act shall be distributed 2/3 to the municipalities and 1/3 to the counties in which the taxes are collected; to provide that the municipalities and counties shall redistribute the additional tax proceeds on the same pro rata basis as are other such taxes; to prohibit any municipality or county which receives proceeds pursuant to the provisions of this act from levying any additional taxes on the sale of alcoholic beverages which would be collected by the Alabama Alcoholic Beverage Control Board or its stores; and to repeal all local taxes, municipal or county, on the sale of alcoholic beverages sold by the Alabama Alcoholic Beverage Control Board or its stores.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1099. To amend Sections 16-3-1, 16-3-5 and 16-3-8 of the Code of Alabama 1975, relating to the state board of education, so as to provide that the Lieutenant Governor and the Speaker of the House of Representatives shall be ex officio members of the state board of education; to provide that the ex officio members of the board shall have full voting powers; to provide that vacancies on said board among the elected members shall be filled by the governor for the unexpired term; to provide that elected members of said board shall receive per diem compensation for each day of actual service and the actual traveling and other necessary expenses incurred, while the ex officio members shall be entitled to receive their actual traveling and other necessary expenses incurred in attending meetings and transacting the business of the board.

Rep. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 780. To amend Section 8-1-81 of the Code of Alabama 1975, which relates to the sale of pledges by pawnbrokers, so as to provide that such sales may be by either public auction or private sale.

Rep. Holley, Chairman of the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 924. To repeal Act No. 79-756, H. 427, 1979 Regular Session (Acts 1979, p. 1342) entitled "An Act To provide for a privilege license for automotive dismantlers and parts recyclers; to fix a fee for such license; to require proof of responsibility for such license; to provide for the business which may be carried on under such license; to set qualifications for obtaining such license; to require maintenance of certain records to assist law enforcement officials; to authorize holders of such license to transfer certificates of title to motor vehicles as a licensed motor vehicle dealer; to provide for cancellation or revocation of such license; to require buyers at salvage pools or salvage disposal sales to obtain a buyer's identification card to purchase at such sales, and fix the qualifications for such buyers; to fix a penalty for violations of this Act; and to set an effective date."

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1097. Relating to Russell County; providing further for the compensation of the tax collector.

H. 1098. Relating to Russell County; amending further Act No. 925, H. 1333, 1969 Regular Session (Acts 1969, p. 1663), which established a law library, so as to provide further for the expenditure of library funds.

H. 1100. Relating to Russell County; to provide that the county commission may authorize a salary supplement for the county district attorney.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 564. (With Amendment): To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Rep. Ray, Chairman of The Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 977. Relating to Jackson County; to allow the county commission to contribute a certain amount of public funds to certain rescue squads in the county and to establish a county board of directors to qualify such squads to receive such contributions.

H. 1054. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro in Jackson County.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 637. (With Amendment): Relating to Jackson County; providing further for the election of the county superintendent of education and members of the county board of education; prescribing certain residential qualifications for said superintendent and such members and providing for supplemental effect.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 395. Relating to Jackson County; to provide further for an annual salary for the chairman of the County Commission.

H. 1053. Relating to Jackson County; to amend Act 79-473, Regular Session 1979 (Acts 1979, p. 873) which pertains to the distribution of Tennessee Valley Authority payments in lieu of taxes, so as to distribute certain moneys to the Jackson County Hospital Board.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 878. To amend Section 13 of Act 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) which established a pension system for employees and officers of Jefferson County, Alabama.

H. 879. Relating to Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a pension system for the officers and employees of Jefferson County, Alabama; to provide that members of such pension system may elect that workmen's compensation benefits payable to them for injuries or disabilities sustained by them while serving as employees of said County may be considered as salary paid to said members by said County for the purpose of determining the amount of pension benefits payable to said members under said Act 497; to provide the conditions on which such workmen's compensation benefits may be considered as salary paid to such members by the County; to empower the Pension Board, provided for by said Act 497, to adopt rules providing for the time within which, the manner in which and the conditions on which said members may elect to exercise the said option and to provide that no such rule adopted by the Pension Board shall become effective until the County Commission has by resolution approved such rule.

H. 756. Relating to Jefferson County; defining, regulating the profession and licensing of barbers and barber colleges; establishing a barbering commission; defining the powers and duties of said commission; prescribing the functions of the county commission, the treasurer and the judge of probate relating to the barber commission; and providing penalties for violations.

H. 546. To amend further Act No. 929, Section 676, Regular Session 1971 (Acts 1951, Page 1579), as extensively amended by act No. 1272, Section 620, Regular Session 1973 (Acts 1973, Page 2124), and other amendatory acts, which relate to the establishment of a pension and relief or retirement and relief system for officers, employees, or their dependents, of any city having a population of 250,000 according to the 1970 or any subsequent federal decennial census, so as to allow participants therein to purchase credit for certain of their prior unclassified service with the city.

H. 1085. Relating to Class I municipalities to limit the amount of claims made under municipally insured employee health care expense reimbursement programs in order to protect public monies.

H. 1084. To levy in and for Jefferson County, Alabama, a privilege or license tax, in an amount prescribed in said Act, on each person engaging, or continuing, within the County in the business of leasing or renting any tangible personal property, subject to the exceptions contained in said Act.

H. 1037. To amend Sections 2 and 3 of Act No. 505 of the Regular Session of the Legislature of Alabama of 1959 (Ala. Acts, 1959, pp. 1242 and 1243).

H. 964. To amend Sections 7, 8 and 9, Article VI of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951, as heretofore amended by Act No. 272 of the Regular Session of the Legislature of Alabama of 1973, approved September 8, 1975 (Acts 1972, pages 2124, et seq.), which act, as amended, creates and provides a retirement and relief system for officers and employees of each city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census.

H. 931. To authorize and make provision for the incorporation in any Class 1 municipality as so designated by Act No. 79-263 enacted at the 1979 Regular Session of the Legislature of Alabama (being a city with a population

of 300,000 or more inhabitants as certified by the 1970 federal decennial census) of Commercial Development Authorities for the purpose of promoting trade and commerce by inducing commercial enterprises to locate new facilities in this state and expand existing facilities in this state; to provide for the election and compensation of directors of any such Authorities; to provide for the powers, authorities and duties of any such Authority, its board of directors, and its officers; to authorize any such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith, whether or not now existing, suitable for use by any commercial enterprise engaged in the manufacturing, processing, assembling, storing, warehousing, distributing or selling of any products of agriculture, mining or industry, or by various enterprises for the purpose of research, or by any commercial enterprise engaged in selling, servicing, providing or handling any policies of insurance or any financial services, or suitable for use as a ship canal, port or port facility, off-street parking facility, dock or dock facility, harbor facility, railroad, monorail or tramway, railway terminal or railway beltline and switch, office building, planetarium or museum, pollution control facility, hotel, including parking facilities, facilities for meetings, and facilities suitable for rental to persons engaged in any business, trade, profession, occupation or activity, or as a shopping center or similar facility suitable for use by two or more commercial enterprises engaged in any business, trade, profession, occupation or activity, provided that such land, buildings or other improvements thereon and all real and personal properties necessary in connection therewith shall not include facilities (other than office buildings or other buildings suitable for use as a corporate headquarters) designed for the sale or distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities, and provided, further, that such property shall be located wholly within the corporate limits of such municipality and (i) wholly within areas for which either a redevelopment plan has been prepared and approved pursuant to the provisions of Section 24-2-4 of the Code of Alabama of 1975 or an urban renewal plan has been prepared and approved pursuant to the provisions of Section 24-3-3 of the Code of Alabama of 1975 or (ii) part of such property shall be property with respect to which an urban development action grant has been made under Section 119 of the Housing and Community Development Act of 1974; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to provide for the employment by any such Authority of such officers, employees and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore

issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; and to provide for the continued existence of any such Authority notwithstanding any reclassification of municipalities by the Legislature.

H. 901. To further amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959 (Ala. Acts, 1959, p. 1376, et seq.), as heretofore amended, which Act No. 556 established a supplemental pension and relief or retirement system for firemen and policemen who are members of any pension and relief system established under Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, p. 1576, et seq.); and to provide that the amendments made by this Act to said Act No. 556 shall apply both prospectively and retroactively on and after May 2, 1978.

H. 804. Relating to Jefferson County; fixing the salary of the deputy probate judge.

H. 755. Relating to Jefferson County; providing that any conveyance of property required to be recorded in the office of the probate judge must include the name and address of the grantee.

H. 930. To further amend Section 3.05 of Act No. 452 of the Regular Session of the Legislature of Alabama of 1955, (Acts of 1955, Page 1004) as amended by Act 495, Section 2, Regular Session of the Legislature of Alabama 1973 (Acts of 1973, Pages 727-728) providing for a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census.

H. 929. To amend Section One of Act No. 129 of the Regular Session of the Legislature of Alabama of 1965 (Acts of 1965, Pages 194-195), providing that the governing body of any city in the state having a population of 300,000 inhabitants or more, according to the last or any subsequent federal census, shall have the power and authority to grant members of such governing body money for expenses incurred in attending business of such city within its corporate limits not exceeding a total amount of Eleven Thousand Dollars (\$11,000.00) in any one fiscal year of such city.

H. 774. Relating to Jefferson County; requiring the Jefferson County Board of Education to provide transportation to and from school for any student within its system who is required by federal or state court order to attend any school which is located more than one-half ($\frac{1}{2}$) mile from the student's residence.

H. 773. Relating to Jefferson County; providing further for the salary of the tax assessor.

H. 1092. To further amend Section 12 of an Act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of Alabama of 1945, pages 376-400) as heretofore amended relating to creating and establishing in counties having a population of 400,000 inhabitants or more according to the last or any future federal census, a county-wide civil service system.

H. 676. To provide funding for Birmingham-Jefferson County Transit Authority, a public corporation organized under Act No. 993 of the 1971 Regular Session of the Legislature of Alabama (the "Transit Authority"), by levying in Jefferson County, Alabama (the "County"), a privilege or license tax, generally parallel to the State sales tax, upon persons engaged in the County in any business subject to the State sales tax, and to levy an excise tax, generally paralleling the State use tax, on the storage, use or other consumption in the County of tangible personal property purchased at retail; to provide that the said privilege or license tax is required to be passed on to the consumer or purchaser at retail, to the extent provided for in this act; to provide for the making of reports or returns and the keeping of records with respect to the taxes herein levied; to provide that the exemptions applicable to the State sales tax statutes and the State use tax statutes, as said statutes may from time to time be amended, shall be applicable respectively to the said privilege or license tax and the said excise tax; to confer power to administer the act upon the Director of Revenue or other officer or employee of the County charged with the duty of collecting county business license taxes or other license taxes now or hereafter required by law to be paid; to provide for the collection of the taxes levied by this act; to authorize the said Director of Revenue, or other county officer or employee collecting said business license taxes or other license taxes as aforesaid, to enforce such collection by civil suit, injunction, and accounting, or any of them; to provide that the taxes levied by this act shall constitute a lien and to provide that such lien shall be superior to all other liens except the liens of ad valorem taxes, other license taxes, and municipal assessments; to provide for the enforcement of the lien of the taxes levied by this act; to provide that any taxpayer dissatisfied with the assessment made against him with respect to any such tax may appeal from the assessment to the Circuit Court of Jefferson County, and to prescribe the procedure of such appeal; to provide that from the proceeds collected each month from the taxes herein levied there shall first be paid into the general treasury of the County a specified percentage to compensate the County for the administration, collection, and enforcement expenses relating to such taxes, and the remainder of such proceeds shall be paid to the municipalities located in whole or in part in the County and the general treasury of the County on the basis of the ratios of the population of each municipality residing in the County and in the unincorporated areas of the County to the total population in the County (based on census figures): to provide that each such municipality in which regularly scheduled transit service is provided or made or available and the County shall pay over from such tax proceeds or other funds to the Transit Authority,

or any successor thereto an amount equal to the payor's share of the budget of the Transit Authority; to provide that should a court of competent jurisdiction declare or determine that the County or a municipality or municipalities required hereunder to pay moneys to the Transit Authority is for any reason not legally so required, the Director of Revenue of the County shall thereafter pay directly to the Transit Authority the share which such municipality or municipalities or the County, as the case may be, would otherwise have received; to repeal Sections 3 through 10 and Section 12 of Act No. 232 of the 1977 Regular Session of the Legislature of Alabama; to provide an effective date for this act; and to provide that the provisions of this Act shall be severable.

H. 1008. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 585. Providing clerk hire allowance for Probate Judges of Barbour County.

Also:

H. 797. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro, in Jackson County.

Also:

H. 827. Relating to Winston County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 839. Relating to Barbour County; providing for a salary supplement for the circuit judge and the district court judge.

Also:

H. 902. Relating to Lamar County; giving the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individuals or nonprofit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Also:

H. 903. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sulligent, in Lamar County.

Also:

H. 908. Relating to Marion County; providing further for the employees of the office of the sheriff.

Also:

H. 938. Relating to Bibb County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual or nonprofit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Also:

H. 939. Relating to Bibb County, to provide further for taxing and collecting of certain additional court costs for district and circuit court cases, and to deposit such costs to the county general fund for jail and courtroom facilities.

Also:

H. 940. Relating to Bibb County; providing that the expense allowances of the county governing body provided for by Act No. 79-378, H. 868, 1979 Regular Session (Acts 1979, p. 600), shall be paid from the gasoline tax fund allocated to the county.

Also:

H. 941. Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

Also:

H. 942. Relating to Bibb County; providing an additional expense allowance for the secretary of the board of Equalization.

Also:

H. 943. Relating to Bibb County; providing an additional expense allowance for the county superintendent of education which shall be in lieu of the dwelling now furnished to said superintendent; and to make the expense allowance provision of this act retroactive.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:
By Rules Committee:

H. R. 244. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business April 29, 1980, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Rep. Whatley:

H. 634. p. 82 Public Warehouses

By Rep. Letson:

H. 762. p. 83 Weights and measures of commodities

By Rep. Venable:

H. 782. p. 108 State Employees, hearing procedures

By Rep. Riddick:

H. 332. p. 7 Annual fee for hospitals

By Rep. Waggoner:

H. 985. p. 160 Sports Hall of Fame

By Rep. Kelley:

H. 307. p. 33 Housekeeping changes U.C. Laws

By Rep. Kelley:

H. 308. p. 50 Back pay awards under U.C.

By Rep. Shoemaker:

H. 306. p. 33 Increases interest & penalty on late U.C. taxes

By Rep. Shoemaker:

H. 310. p. 34 Amendment to Child Labor Bill

By Rep. Campbell:

H. 305. p. 100 Increase 500 to 1000 reimbursement for moving transfer

By Rep. Naramore:

H. 904. p. 159 Increase fee for drivers license

By Rep. Owens:

H. 431. p. 117 Municipal Corporations

By Rep. Johnson (R. G.):

H. 491. p. 44 Driver Licenses

REGULAR SESSION
26th Day

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By Rep. Manley:

H. 864. p. 89 Incorporating 1979 Code

By Rep. Manley:

H. 158. p. 8 Tampering with speedometers

By Rep. Hines:

H. 624 p. 63 Work release

By Rep. Cabaniss:

H. 189. p. 53 Mobile home standards

By Rep. Cabaniss:

H. 185. p. 18 Perjury to Insurance Department

By Rep. Cabaniss:

H. 179. p. 15 Surplus note bill

By Rep. Cabaniss:

H. 178. p. 14 Repeal publication of agents

By Rep. Kelley:

H. 558. p. 47 Alabama Housing Finance Authority

By Rep. Ford:

H. 861. p. 97 License plates

By Rep. Barton:

H. 709. p. 57 Tax assessors and tax collectors

By Rep. Turnham:

H. 1004. p. 6S State Licensing Board of General Contractors

By Rep. Manley:

H. 763. p. 133. Ad valorem taxation

By Rep. Zoghby:

H. 1077. p. 36S Franchise tax on domestic corporations

By Mr. Mitchem:

S. 466. p. 12S Alabama Air Pollution Control Act

By Rep. Owens:

H. 432. p. 27 Civil Air Patrol vehicles

By Rep. Bennett:

H. 19. p. 17 Election officers

By Rep. Carothers:

H. 937. p. 162 Rutherford Relief Fund

By Rep. Dixon:

H. 752. p. 112 UAB, Opthamology

By Rep. McKee:

H. 56. p. 160 P.S.C.

By Rep. Roberts:

H. 881. p. 10S Fire extinguishers and fire systems

By Rep. Cabaniss:

H. 866. p. 90 City options

By Rep. McMillan:

H. 642. p. 96 Air boats

By Rep. Smith (J):

H. 612. p. 74 Tax assers. to assess property

By Rep. Lewis:

H. 4. p. 53 Public Housing

By Rep. Sasser:

H. 201. p. 9 Jury strike system

By Rep. Sasser:

H. 202. p. 9 Jury strike system

By Rep. Gafford:

H. 686. p. 59 Alimony

By Rep. Cates:

H. 355. p. 8 Transfer line items

By Rep. Naramore:

H. 1020. p. 19S Technical and Junior Schools

By Rep. Cates:

H. 900. p. 152 Teacher and Employee Retirement Systems

By Rep. Greer:

H. 125. p. 56 Restitution to crime victims

By Rep. Ray:

H. 682. p. 79 Land surveyors

By Rep. Dixon:

H. 666. p. 94 ADC payments to unwed mothers

By Rep. Adams (C):

H. 459. p. 22 Extension of credit

By Rep. Naramore:

H. 398. p. 161 Merit system

By Rep. Smith (M):

H. 543. p. 44 Recycling

By Rep. Bedsole:

H. 487. p. 20 Medicaid fraud

By Rep. Gafford:

H. 284. p. 3 Political contributions

By Rep. Bennett:

H. 698. p. 121 Alabama student loan program

By Rep. McKee:

H. 55. p. 41 License inspectors

By Rep. Bedsole:

H. 489. p. 20 Medicaid fraud

By Rep. Lewis:

H. 918. p. 106 Throw away bottles

By Rep. McKee:

H. 779. p. 33S Liquified petroleum

By Rep. Dixon:

H. 72. p. 12 Employees retirement system

By Rep. Kelley:

H. 312. p. 95 Cosmetology

By Rep. McKee:

H. 812. p. 32S Liquified petroleum

By Rep. Stout:

H. 555. p. 43 Election of Municipal officials

By Rep. Stewart:

H. 530. p. 53 Trains, bad weather

By Rep. Minus:

H. 282. p. 122 Teacher retirement system

By Rep. McKee:

H. 170. p. 25 Forest seed and seedlings

By Rep. Naramore:

H. 739. p. 79 Sales of pistols

By Rep. McKee:

H. 419. p. 65 Group insurance

By Rep. Bennett:

H. 113. p. 40 Teacher reimbursement

By Rep. Harrison:

H. 548. p. 29 Cash awards for suggestions

By Mr. Bailey:

S. 48. p. 94 Public contracts

By Rep. Dixon:

H. 667. p. 108 Good Samaritan Law

By Rep. Bennett:

H. 18. p. 53 Elections

By Mr. Mitchem:

S. 467. p. 15S Agricultural Development Authority

By Rep. Campbell:

H. 222. p. 128 Military retirement

MOTION TO ADOPT RESOLUTION

Rep. Pegues offered the motion to adopt the resolution, H. R. 244.

MOTION TO TABLE LOST

The motion offered by Rep. Greer to table the motion offered by Rep. Pegues, was lost.

Yeas 9; Nays 61.

Yeas:

Reps.: Albright, Blake, Cheatwood, Greer, Hall, Harper (O), Hilliard, Johnson (Roy), and Wyatt.

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Nays:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Boles, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Harper (T), Hines, Holley, Horn, Jackson, Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Reed, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

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RESOLUTION ADOPTED

The question was then on the motion offered by Rep. Pegues to adopt the resolution, H. R. 244, and the resolution was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Pegues, Acting Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

S. J. R. 158. REQUESTING PRESIDENT CARTER AND THE CONGRESS TO ALLOCATE TO EACH OF THE STATE HIGHWAY DEPARTMENT'S, AND TO OUT STATES' COUNTIES, FOR MAINTENANCE OF STATE AND LOCAL ROADS, ANY INCREASE OF THE FEDERAL MOTOR FUELS TAX.

On motion of Rep. Pegues, the resolution, S. J. R. 158, was adopted.

Also:

S. J. R. 41. NAMING THE NATIONAL GUARD ARMORY AT TUSKEGEE, ALABAMA, "FORT BENJAMIN O. DAVIS."

On motion of Rep. Pegues, the resolution, S. J. R. 41, was adopted.

Also:

S. J. R. 167. COMMENDING MRS. CHARLA ADKISON, OUTSTANDING SCIENCE TEACHER OF THE YEAR.

On motion of Rep. Pegues, the resolution, S. J. R. 167, was adopted.

RESOLUTION

The following resolution was introduced:

By Rep. Coburn:

H. J. R. 245. CREATING A JOINT INTERIM COMMITTEE TO STUDY UNEMPLOYMENT COMPENSATION LAWS.

WHEREAS, due to the economic crisis, and the present level of funds available in the unemployment compensation fund of the state; and

WHEREAS, the level that must be maintained in such fund is dictated by law; and

WHEREAS, due to the fact that industry and labor in recent years have been unable to agree on changes in unemployment compensation laws; and

WHEREAS, it is absolutely necessary that the legislature investigate the matter and arrive at a solution to carry the state through the pending economic crisis; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Joint Interim Committee to Study Unemployment Compensation Laws.

Said committee shall consist of six members, three to be selected by the Speaker of the House of Representatives and three to be selected by the Lieutenant Governor.

The Clerk of the House and Secretary of the Senate shall furnish the committee with any necessary clerical assistance and supplies needed by the committee in performing its duties to be paid from funds appropriated to the

use of the Legislature. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. The total amount that may be expended by the committee shall not exceed \$7,500.00.

The Joint Interim Committee to Study Unemployment Compensation Laws shall report its findings and recommendations to the Legislature not later than the fifth legislative day of the 1981 Regular Session.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Coburn offered the motion to suspend the rules and adopt the resolution, H. J. R. 245.

DIVISION OF THE QUESTION

Rep. Wyatt called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Rep. Coburn to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 245, and the motion was adopted.

Yeas 63; Nays 7.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bennett, Blake, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harrison, Harvey, Horn, Kelley, Laird, Letson, McKee, Manley, Minus, Moore, Olive, Owens, Payne, Pegues, Rains, Ray, Reed, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

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Nays:

Reps.: Albright, Boles, Cheatwood, Hall, Riddick, Turner and Wyatt.

On motion of Rep. Coburn, the resolution, H. J. R. 245, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Martin:

S. 456. To amend Section 15-22-2 of the Code of Alabama 1975 which relates to the contributions by parolees and probationers towards the cost of supervision and rehabilitation so as to increase the required contribution amount that must be made by parolees and probationers and exempt from payment certain hardship cases.

Also:

By Mr. Gullledge:

S. 553. To provide further for certain funds of the state treasury; to provide further for surpluses in certain trust funds within the state treasury; to exempt other trust funds; to transfer such surplus funds undesignated, uncommitted, unencumbered and unappropriated, to the state parks fund of the state treasury for the purpose of emergency-crisis use in repairing the facilities at Gulf State Park damaged by Hurricane Frederic; to provide how such transfers shall be made; and to provide for the replacement of such funds so transferred upon receipt of funds from the Federal Emergency Management Agency.

Also:

By Mr. Teague:

S. 109. To provide for an examination fee of three dollars (\$3.00) prior to testing for driver license, temporary instruction and learner's permits, and motor driven cycle operators license.

Also:

By Messrs. Taylor, Goodwin and Keener:

S. 193. To amend Sections 25-8-2, 25-8-5, 25-8-9, 25-8-11, 25-8-14, 25-8-16, 25-8-18, 25-8-23, 25-8-26, 25-8-28, and 25-8-30 of the Code of Alabama 1975, relating to the child labor law, so as to regulate further the employment of certain children and to prescribe additional penalties for violations.

Also:

By Messrs. Bailey and Teague (By request):

S. 533. To provide that a legal licensed lending institution, a vendor making credit sales or leases, any financial institution operating in Alabama or any individual may charge and collect a maximum allowable interest rate, and to provide for the termination of its provisions.

Also:

By Mr. Goodwin:

S. 194. To amend Code of Alabama 1975, § 41-15-1 to authorize city and county boards of education or district boards of education of independent school districts to insure school buildings and property either in the state insurance fund or an insurance company, whichever, in the opinion of such board provides the best coverage for such school buildings and property, and to require adequate coverage of buildings and property.

Also:

By Mr. Gullledge:

S. 36. To amend Section 22-21-77 of the Code of Alabama 1975, so as to further provide for the powers of county hospital boards and corporations.

Also:

By Messrs. White, Glass, Proctor, Robertson, Harrison, Barron, deGraffenried, Goodwin, Parsons, Cook, Gullledge, Vacca, Teague and Higginbotham:

S. 318. To establish the Alabama Human Resources Board to utilize all available manpower in the state; to provide for the membership of the board, to authorize the board to assign employable persons who receive public assistance to public works projects; to authorize the Commissioner of Pensions and Security to submit names of said persons; to establish the compensation of said persons; to provide for penalties for failure to do the assigned work; to establish criteria for those exempt from the program and provide for periodic review by the Department of Pensions and Security.

Also:

By Mr. Britnell:

S. 407. To amend section 32-6-1 of the Code of Alabama 1975 relating to driver's license requirements, expiration date and renewal procedures, so as to provide that notice be given to every person possessing a driver's license as to its expiration date, and to provide for payment for such notification.

Also:

By Mr. White:

S. 587. To amend Sections 34-20-4, 34-20-7 and 34-20-13 of the Code of Alabama 1975, relating to the board of examiners of nursing home administrators so as to alter the composition of the board, provide for an annual license fee, and provide for an annual audit.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 456. Ways and Means.
- S. 553. Ways and Means.
- S. 109. Ways and Means.
- S. 193. State Administration.
- S. 533. Banking.
- S. 194. Insurance.
- S. 36. Health.
- S. 318. State Administration.
- S. 407. Ways and Means.
- S. 587. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Goodwin:

S. 573. To amend Section 41-9-450 of the Code of Alabama 1975, relating to the Sports Hall of Fame Board, so as to further provide for membership on the board.

Also:

By Mr. Mitchem:

S. 515. Relating to the Twenty-seventh Judicial Circuit; to provide an expense and automobile allowance of \$300.00 per month to the District Attorney of said Judicial Circuit.

Also:

By Mr. McDonald:

S. 230. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts shall include reimbursement for services rendered by a duly qualified certified social worker of this State notwithstanding any provisions of the policies or contracts to the contrary.

Also:

By Mr. Higginbotham:

S. 247. To amend Section 12-12-31 of the Code of Alabama 1975 providing for small claims actions so as to provide that corporations may be represented by an officer or agent of such corporation other than an attorney.

Also:

By Mr. Mitchem:

S. 490. To amend Section 8-16-94, Code of Alabama 1975, pertaining to minimum weights of certain commodities when said commodities are sold by bushel or barrel; to allow said commodities to be sold as the weight per bushel or barrel as is generally recognized in the present-day marketplace; to allow the State Board of Agriculture and Industries to set minimum weights per bushel or barrel for certain commodities when present marketing practices so dictate.

Also:

By Mr. St. John:

S. 535. To amend further Section 41-9-43 of the Code of Alabama, 1975, relating to the Alabama state council on the arts and humanities, so as to bring the employees of such council under the provisions of the Merit System Act and State Employees' Retirement System; and to make certain exceptions.

Also:

By Mr. White:

S. 501. To amend Sections 36-26-6 and 36-26-27 of the Code of Alabama 1975 so as to further prescribe hearing procedures for the dismissal and disciplining of state employees when such actions are initiated by the appointing authority.

Also:

By Mr. Keener:

S. 8. To amend Section 32-10-8 of the Code of Alabama 1975, so as to require the social security number of drivers involved in accidents or charged with a moving vehicle violation on the uniform accident report form or citation.

Also:

By Mr. St. John:

S. 510. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State adopted during the 1979 sessions of the Legislature as contained in the 1979 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such supplement; and to adopt and incorporate into the Code of Alabama 1975 all laws as contained in the 1977 Blue Paperback Pamphlet of Title 13A, known as the "Alabama Criminal Code," as amended, and the 1979 Cumulative Supplement thereto, and to make certain corrections in such pamphlet and supplement.

Also:

By Mr. McDonald:

S. 436. To amend Section 6 of Act No. 79-797, H. 225, 1979 Regular Session (Acts 1979, p. 1455) now appearing as Section 32-6-65, Code of Alabama 1975, and Section 40-12-270, Code of Alabama 1975 so as to provide for the disbursement of the penalty fee assessed for late registration of a motor vehicle directly into the county general fund.

Also:

By Mr. Teague:

S. 239. To amend Sections 11-43-189 and 11-43-190 of the Code of Alabama 1975, as amended, relating to civil service merit systems for law enforcement officers.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 573. Ways and Means.

S. 515. Ways and Means.

- S. 230. Insurance.
- S. 247. Judiciary.
- S. 490. Agriculture and Forestry.
- S. 535. Ways and Means.
- S. 501. State Administration.
- S. 8. Highway Safety.
- S. 510. Judiciary.
- S. 436. State Administration.
- S. 239. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Parsons (With Notice and Proof):

S. 433. Relating to Jefferson County; providing that any conveyance of property required to be recorded in the office of the probate judge must include the name and address of the person to receive the tax notice.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 433 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

- S. 433. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Pearson:

S. 315. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 315. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. St. John (With Notice and Proof):

S. 557. To amend Act No. 895, S. 775, Regular Session 1978 (Acts of Alabama 1978, p. 1332), providing for the salaries of certain county officers of Cullman County, so as to further provide that such salaries shall be in lieu of all other compensation, expense allowances, fees, commissions, percentages or other emolument of any nature whatsoever. Provided, however, said officers shall continue to receive additional compensation granted by Acts of the 1978 and 1979 legislative sessions.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 557 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. St. John (With Notice and Proof):

S. 558. To repeal Act No. 614, H. 1117, 1978 Regular Session (Acts 1978, p. 872), entitled, "An Act To increase the salaries of certain officials of Cullman County and to provide for the manner of their payment."

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 558 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. St. John (With Notice and Proof):

S. 565. Relating to Cullman County: To amend Act No. 896, Regular Session, 1978. To further provide for the distribution and expenditure of any payments coming into the treasury of Cullman County that are derived, directly or indirectly, from payments by the Tennessee Valley Authority in lieu of the payment of ad valorem taxes so as to provide for funds for schools.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 565 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. St. John (With Notice and Proof):

S. 566. To amend further Act No. 1247, H. 1642, Regular Session 1971 (Acts 1971, p. 2147), relating to the issuance of pistol permits in Cullman County so as to correct a Code citation in such act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 566 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Taylor (With Notice and Proof):

S. 576. Relating to Lowndes County; authorizing the County Commission to levy an additional privilege or license tax on persons, firms and corporations, selling, distributing or delivering malt or brewed beverages to retailers in Lowndes County; providing for the assessment, collection and distribution of the proceeds of the tax; authorizing the adoption and promulgation of rules and regulations therefor by the county commission of said county; defining violations of the act and prescribing penalties therefor.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 576 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 557. Local Legislation No. 1.

S. 558. Local Legislation No. 1.

S. 565. Local Legislation No. 1.

S. 566. Local Legislation No. 1.

S. 576. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Robertson:

S. 26. To further amend Section 40-9-21 of the Code of Alabama 1975, as last amended, which section relates to ad valorem tax exemptions for certain totally disabled persons of certain persons 65 years or older who furnish proof their gross income for the preceding year was \$7,500 or less.

Also:

By Mr. Lemaster:

S. 458. To provide for the licensure and registration of building inspectors; to create the Alabama Building Inspectors Board; to prescribe the powers and duties of such board; to prescribe the procedure for obtaining a building inspector's license; to provide for the revocation of licenses; and to prescribe penalties for violations of this act.

Also:

By Messrs. Mitchem, Little, Denton, Britnell, Parsons, Keener, Holmes, deGraffenried, Proctor, Teague, Miller Bailey, Martin, Gullede, Hall, Harrison, Robertson and Kirkland:

S. 507. To adjust salaries of Alabama State Troopers to bring those salaries to a level equaling the compensation received by Alabama state law enforcement personnel of other state agencies; to appropriate money to implement this act and to repeal conflicting law.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 26. Ways and Means.

S. 458. Ways and Means.

S. 507. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Martin:

S. J. R. 175.

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. Whereas under the provisions of Act No. 79-550 an Interim Committee on Municipal Government of the Legislature of Alabama was organized with eight (8) members of the Legislature, four (4) from the House appointed by the Speaker, and four (4) from the Senate appointed by the Lieutenant Governor, and the Committee met after the adjournment of the 1979 Regular Session and prior to the 1980 Session and submitted its report to the Legislature on the 19th day of February, 1980.

The Committee made numerous recommendations with respect to the organization, function, administration, financial framework and the impact of growth and urbanization on Alabama cities and towns and,

Whereas the current Session of the Legislature has adopted or will adopt several of the suggested pieces of legislation which the said Interim Committee recommended and there is a need to continue and complete the study begun by the said Interim Committee inasmuch as many areas, which the said Committee studied, require further study in depth and require positive recommendations to the Legislature from the Committee, and

Whereas the Committee was most frugal in expenditure of funds and returned some \$2,100.00 of the \$7,000.00 funding authorized by Act No. 79-550, and

NOW THEREFORE, BE IT RESOLVED, that in order to further suggest to State Legislators additional sound, workable, financially feasible and economically possible methods of administration for Alabama's municipal governments, there is hereby continued and re-organized an Interim Committee on Municipal Government of the Legislature of Alabama, to be composed of eight (8) members of the Legislature, four (4) members from the House to be appointed by the Speaker of the House, and four (4) members from the Senate to be appointed by the Lieutenant Governor. It shall be the duty and function of the Committee to continue to analyze the present status of municipal government in Alabama and to make such recommendations for legislation and constitutional revision which it considers necessary or desirable to enable the municipal governments of this State to more adequately meet and furnish the services and needs of their citizens.

In reviewing the status and the laws of municipal governments in Alabama, the Committee shall consider and make additional studies of, but shall not limit its consideration, to the following items:

1. The functions and responsibilities of municipal governments in providing services and facilities to the residents of the incorporated towns and cities of the State;
2. A further review and study of the legal framework of municipal governments in Alabama and recommendations as to the need for any additional legislation to broaden the powers and authority of such municipal government;
3. The financial abilities of municipal government and any legislation needed to provide more adequate financial resources for the support and ongoing of such municipal government;
4. A continued study of the impact of industrialization and rapid urbanization and the ability of municipal governments to cope with and provide reasonable and adequate standards of services and facilities to their citizens because of such rapid growth and expansion.

BE IT FURTHER RESOLVED, that the Committee shall not consume more than forty-five (45) working days in performing its functions and that its report be finished in time for the presentation of a preliminary report during the first week of the 1981 Regular Session of the Alabama Legislature, and a final report to be submitted during the 1981 Regular Session of the Alabama Legislature, and that as far as practical that all meetings of the Committee be held in the State Capitol and be opened to the public. The Secretary of the Senate or Clerk of the House is hereby required to provide one (1) clerk, who shall be a competent stenographer, and the Committee is

hereby empowered to employ such other personnel, including reporters and attorneys, as the Committee shall deem necessary. The Committee is hereby empowered and authorized to expend funds for the purpose of correspondence with prospective witnesses, in preparation of reports and in general expenses incident to the work of the Committee. Each member of the Committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the Committee which shall be paid out of the funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the Committee's chairman, provided, however that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The chairman of the Committee shall certify the sums due to the clerk or other employees of the Committee. The total amount of funds expended by the Committee in carrying out the study shall not exceed the sum of Seven Thousand Dollars (\$7,000.00). The Lieutenant Governor and the Speaker of the House shall jointly designate one of the members of the Committee as Chairman and one member to be Vice-Chairman. The Lieutenant Governor and the Speaker of the House shall be ex-officio members of the Committee and shall receive compensation at the rate paid other members for each day that they sit with the Committee in its work on the subjects and problems listed in this Resolution, or in handling any other matters agreed upon by the Committee in line with the general purpose of the Committee.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 175, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

H. 961 RECONSIDERED

Having previously filed a Motion in Writing, Rep. Cooley offered the motion to reconsider the vote by which the bill, H. 961, was passed on the twenty-fifth legislative day.

And the bill:

H. 961. (With Amendment): To amend further § 2-7-31 Code of Alabama 1975 which relates to prizes and premium awards at agricultural fairs so as to increase the maximum amount authorized to be paid to the members of the Special Awards Committee for Fairs for per diem and travel allowance in any fiscal year.

Was again taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Agriculture and Forestry, said committee amendment being as follows:

Amend House Bill 961 on page 2, line 8, section 1 by striking the number \$25.00 and inserting in lieu thereof the following number \$30.00.

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Blake, Boles, Bowling, Buskey, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Horn, Jackson, Kennedy (Y), Laird, Langford, Letson, McKee, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Pegues, Rains, Riddick, Sasser, Seibels, Shavers, Smith (C), Smith (J), Stout, Trammell, Tucker, Turner, Venable, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

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And the bill, H. 961 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Hines, Horn, Kennedy, Laird, Langford, Letson, Lewis, McKee, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Rains, Riddick, Sasser, Seibels, Smith (C), Starkey, Stout, Trammell, Tucker, Turner, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

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Nay: Rep. Jackson

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RESOLUTIONS

The following resolutions were introduced:

By Reps, Smith (C), Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. R. 246. WISHING REPRESENTATIVE CARL BRAKEFIELD A SPEEDY RECOVERY.

WHEREAS, our fellow member, Representative Carl Brakefield, has undergone open heart surgery; and

WHEREAS, Representative Brakefield, a dedicated member of this body, is in our thoughts and prayers during his medical ordeal; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That this body does take this occasion to extend our best wishes for a speedy recovery to our colleague, Carl Brakefield.

RESOLVED FURTHER, That a copy of this resolution be forwarded to Mr. and Mrs. Brakefield, that they may know of our concern for him during this trying time.

On motion of Reps. Smith (C), the rules were suspended and the resolution, H. R. 246, was adopted.

Also:

By Rep. Bennett:

H. J. R. 247. EXPRESSING SYMPATHY FOR THE EIGHT AMERICAN SERVICEMEN KILLED IN THE ILL-FATED ATTEMPT TO RESCUE AMERICAN HOSTAGES IN IRAN.

WHEREAS, through illegal action and violation of international law 50 American hostages have been held for almost six months in Iran following a take-over of the U.S. Embassy last November 4, and

WHEREAS, U.S. military forces undertook a daring rescue attempt last Thursday which, although unsuccessful, served notice the United States intends to gain release of its citizens through whatever means necessary, and

WHEREAS, eight American servicemen lost their lives during a collision of retreating aircraft when the rescue mission was cancelled due to equipment failure, and

WHEREAS, the government of Iran led by Ayatollah Khomeini continues its insane course of international barbarism threatening the lives and safety of the hostages in face of the American resolve to rescue them, and

WHEREAS, the Khomeini regime ignores all demands for common decency and humanitarianism not only from America but from American allies the world over; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it does hereby express its deepest sympathy to the families of the eight servicemen who died in the rescue attempt, and be it further

RESOLVED, That it is the sincerest hope of each and every Alabama legislator that a quick and safe release of the hostages will be possible, and be it further

RESOLVED, That President Carter is hereby encouraged to continue to take whatever action deemed necessary to gain such release including, if need be, additional military action, and be it finally

RESOLVED, That a copy of this resolution be sent to President Carter with the expressed hope that international banditry will not be ignored, no matter from what quarter.

On motion of Rep. Bennett, the rules were suspended and the resolution, H. J. R. 247, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. J. R. 247:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Blake, Bowling, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Holmes, Howard, Johnson (Roy), Laird, Langford, Letson, Lewis, McKee, McMillan, Moore, Naramore, Olive, Payne, Penry, Rains, Riddick, Sasser, Smith (C), Smith (J), Starkey, Tucker, Turnham, Venable, Warren, Williams and Wyatt.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Smith (C) (With Notice and Proof):

H. 1101. Relating to Chilton County; providing for an additional expense allowance for the county treasurer.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1101, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dial (With Notice and Proof):

H. 1102. Relating to Cleburne County; providing further for the compensation of election officials.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1102, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Holley and Ray (With Notice and Proof):

H. 1103. Relating to Coffee County; providing further for the establishment and composition of the county jury commission and repealing Act No. 571, S. 468, 1953 Regular Session (Acts 1953, p. 813).

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1103, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 1104. Relating to Macon County; increasing the salaries of the deputies sheriff and other employees of the sheriff's department.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1104, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Kennedy (With Notice and Proof):

H. 1105. Relating to Mobile County; providing an election officers' school in each State Senate District.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1105, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Moore (With Notice and Proof):

H. 1106. To repeal Act No. 250, H. 874 of the 1975 Regular Session (Acts 1975, p. 783), relating to Shelby County, entitled "An Act To prohibit the probate judge or any other official or any employee of Shelby County from selling, lending, giving, or otherwise disposing of a computer printout of the list of registered voters of Shelby County."

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1106, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (Roy) (With Notice and Proof):

H. 1107. Relating to Tuscaloosa County, to provide for the taxing and collecting of certain court costs for remodeling courtrooms and judges' chambers.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1107, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Barton, Johnson (Roy) and Mitchell (With Notice and Proof):

H. 1108. Relating to Tuscaloosa County to amend Sections 2, 18, 23, 25, 27 and 29, of Act No. 328, H. 854 (Acts 1959, p. 907, Vol. 2), as last amended, which bill relates to the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, Alabama, fixing maximum benefits for firemen or policemen retiring for disability arising as a result of service in the department, fixing maximum benefits to be paid to dependents of members, increasing the limitation on the amount of pension benefits to be paid under the act, providing for the manner of determining the pension and deleting the provision that pensions shall increase or decrease in accordance with the increase or decrease of salaries of active members of the department, providing that no pension presently being paid shall be decreased by the provisions of this act, and defining the term "Salary".

Local Legislation No. 1.

REGULAR SESSION
26th Day

1641

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1108, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Greer and Starkey (With Notice and Proof):

H. 1109. To extend, alter, and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1109, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bowling (With Notice and Proof):

H. 1110. Relating to Winston County; to provide further for the compensation of the county jury commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1110, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Naramore:

H. 1111. To further amend Section 9-16-34(23) of the Code of Alabama 1975, as amended, to provide for the continued enforcement of the interim regulations promulgated under Section 502 of the federal Surface Mining Control and Reclamation Act of 1977 (Pub.L. 95-87).

Ways and Means.

By Rep. Bowling (With Notice and Proof):

H. 1112. To amend further Sections 2, 4 and 5 of Act No. 326, H. 834, Regular Session 1959 (Acts 1959), p. 902), as amended, providing for the creation of the county governing body of Winston County, so as to provide further for the membership, terms of office, and filling of vacancies of such governing body.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1112, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Daniels:

H. 1113. To repeal Act No. 260, H. 879, approved April 26, 1977, Regular Session 1977 (Acts 1977, p. 346), entitled "An Act Relating to counties having a population of not less than 21,000 nor more than 22,000

according to the 1970 or any subsequent federal decennial census; to provide further for the salary and expense allowance of the superintendent of education”.

Local Legislation No. 1.

By Rep. Greer (With Notice and Proof):

H. 1114. Relating to Lauderdale County; amending Act No. 79-107, H. 171, 1979 Regular Session, (Acts 1979, p. 129) entitled “An Act Relating to Lauderdale County; to create the office of County License Commissioner in said county; to prescribe the manner of appointment, term, compensation, duties and realm of authority of said commissioner; to prescribe more convenient and efficient procedures for assessment and collection of certain taxes and the issuance of licenses by said commissioner; to abolish the office of County License Inspector and transfer the duties of said office to the County License Commissioner; to transfer certain duties now performed by the tax assessor and tax collector to said commissioner; to prescribe fees, charges and commissions which may be collected by said commissioner pursuant to this Act; to provide for the disposition of the proceeds thereof and to require certain reports relative thereto,” so as to provide further for the duties of said commissioner.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1114, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Cobb (With Notice and Proof):

H. 1115. Relating to Franklin County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1115, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Naramore (With Notice and Proof):

H. 1116. Relating to Walker County; amending Sections 5, 6, 7 and 14 of Act No. 200, H. 120, 1969 Special Session (Acts 1969, p. 263) relating to the county civil service system, so as to provide further for the appointment, compensation and duties of the Civil Service Board.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1116, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Waggoner (With Notice and Proof):

H. 1117. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1117, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Waggoner (With Notice and Proof):

H. 1118. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1118, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Edwards and Grouby (With Notice and Proof):

H. 1119. To provide for the transfer of contributions and creditable service from Clerks and Registers Supernumerary Fund, State of Alabama, for the Clerk of the Circuit Court of Lowndes County, Alabama, should he so elect; to provide that the Clerk of the Circuit Court of Lowndes County, Alabama, if he so elects, may be exempt from the Clerks and Registers Supernumerary Fund, and such service as Clerk may be under the Employees' Retirement System of Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1119, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Starkey and Coburn (With Notice and Proof):

H. 1120. Relating to Lauderdale County; to provide for the establishment of fees by the county commission based upon but not bound by, recommendations of the county board of health for public health services.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1120, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Greer (With Notice and Proof):

H. 1121. Relating to Lauderdale County; providing that due to the provisions of Section 12-17-92, Code of Alabama 1975, any salary increase paid to circuit judges shall automatically result in a supplemental salary increase for the circuit clerk and providing for the retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1121, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Naramore (With Notice and Proof):

H. 1122. Relating to Walker County; to provide for the City of Sumiton in Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1122, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Daniels (With Notice and Proof):

H. 1123. Relating to Geneva County; to provide further for the salary and expense allowance of the superintendent of education.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1123, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Harper (O) and Turnham (With Notice and Proof):

H. 1124. To authorize and direct the Tallapoosa County Commission to appropriate the accumulation of the beer tax levied by Act No. 147, H. 572 of the 1969 Regular Session (Acts of 1969, p. 420) and distribute it within the county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1124, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Harper (O) and Turnham (With Notice and Proof):

H. 1125. Relating to Tallapoosa County; to amend Section 2 of Act No. 32, S. 62, Regular Session 1967 (Acts 1967, p. 363), relating to compensation for members of the board of registrars, so as to regulate further said supplement; and to provide for retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1125, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Harper (O) and Turnham (With Notice and Proof):

H. 1126. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Tallapoosa County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1126, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Johnson (R. G.), Shoemaker, Dial and Moore (With Notice and Proof):

H. 1127. Relating to Talladega County; to provide further for the compensation of election officers.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1127, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep Johnson (R. G.) (With Notice and Proof):

H. 1128. Relating to Coosa County; providing for an additional allowance for election officials who work at polling places.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1128, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (R. G.) (With Notice and Proof):

H. 1129. Relating to Coosa County; providing for the creation of a county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; and providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1129, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (R. G.) (With Notice and Proof):

H. 1130. Relating to Coosa County; to relieve the judge of probate from charging a fee when celebrating the rites of matrimony; and to provide that any such fee when charged by the judge of probate may be retained by him.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1130, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Stout and Rains (With Notice and Proof):

H. 1131. To empower and direct the County Commission in DeKalb County to create a personnel system to govern all regular, full-time employees of the County Highway Department and such other class or classes of regular, full-time county employees as the County Commission shall determine; to establish the powers and duties of said County Commission in hiring, transferring, compensating, classifying, promoting, demoting, training and establishing rules of general conduct for such County employees; to direct the County Commission to establish a grievance procedure for all regular, full-time employees of the County Highway Department; to empower and direct said County Commission to establish a Personnel Review Board; to provide for the powers, duties, qualifications, and compensation of said Personnel Review Board.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1131, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Stout and Rains (With Notice and Proof):

H. 1132. Relating to DeKalb County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of DeKalb County; and to prohibit the performance of certain work on private property and provide penalties for violations.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1132, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Rains and Stout (With Notice and Proof):

H. 1133. To provide an expense allowance for the circuit court register in DeKalb County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1133, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Rains and Stout (With Notice and Proof):

H. 1134. Relating to DeKalb County to provide disbursement of funds received by DeKalb County paid in lieu of taxes by the Tennessee Valley Authority; to provide for a custodian of such funds; to provide for investment and disbursement of such funds and to provide the method under which such disbursements shall occur.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1134, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Rains and Stout (With Notice and Proof):

H. 1135. Relating to DeKalb County; to provide further for the powers and duties of the county commission; and to ratify and confirm certain expenditures heretofore made to the custodian of voting machines.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1135, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Waggoner and Lewis (With Notice and Proof):

H. 1136. To alter or rearrange the boundary lines of the City of Hoover, Jefferson County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Jefferson and Shelby County, Alabama, to provide for an election by residents of the territory to be annexed, and to expressly provide that nothing herein contained shall amend, alter or re-arrange the present boundary line between Jefferson and Shelby Counties, nor annex any public school property owned by the Shelby County Board of Education.

Local Government.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1136, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hammett (With Notice and Proof):

H. 1137. Relating to Covington County; to provide for a clerk to the tax assessor and a clerk to the tax collector; to provide for fixing the salaries of such clerks as the amount specified as the federal minimum wage; and provide for the method of payment of same.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1137, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hammett (With Notice and Proof):

H. 1138. Relating to Covington County; to provide that in lieu of the former arrangement of paying both monthly expense allowances, mileage and salary for the Covington County governing body, the monthly remuneration of each member of said county governing body shall instead be a salary of \$900.00 per month, payable out of the county treasury; to provide that Act No. 900, H. 1674 of the 1971 Regular Session (Acts 1971, p. 1663), providing for reimbursement of the members of the county governing body for expenses incurred outside of the county and in attending meetings in the performance of their duties shall not be repealed hereby; to repeal conflicting laws; and to provide for an effective date.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1138, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hammett:

H. 1139. To amend section 22-4-2 of the Code of Alabama 1975 relating to the definition of health care facility so as to include veterans nursing homes within such definition.

Health.

By Rep. Laird (With Notice and Proof):

H. 1140. Relating to Randolph County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1140, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Patton and Roberts (With Notice and Proof):

H. 1141. Relating to Morgan County; providing for the allocation, apportionment and distribution of certain highway gasoline taxes received by the county, contingent upon certain allocations to Morgan County from the state; and providing an effective and expiration date for the provisions of the act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1141, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Smith (M) and Smith (J):

H. 1142. To further provide for taxation relating to the sale of alcoholic beverages; to allow the levy of an additional sales tax on the sale of alcoholic beverages sold at retail by the Alcoholic Beverage Control Board or its stores at the option of the county or municipal governing body, subject to approval at a referendum, called for the purpose by the county or municipal governing body, of the qualified electors voting thereon; to provide that the revenues produced from the additional tax shall be collected by the Alcoholic Beverage Control Board and paid to the respective governing body for distribution in the manner as are other such taxes within their jurisdiction; to allow the Board to retain a reasonable sum for the cost of collection and distribution of the net proceeds; to provide that the municipalities and counties shall redistribute the additional tax proceeds on the same pro rata basis as are other such taxes within their jurisdiction; to prohibit any municipality or county which receives proceeds pursuant to the provisions of this Act from levying any additional taxes on the sale of alcoholic beverages which would be collected by the Alabama Alcoholic Beverage Control Board or its stores unless approved by local referendum; and to provide legislative intent.

Ways and Means.

By Rep. Owens (With Notice and Proof):

H. 1143. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1143, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper (T):

H. 1144. To amend further Section 1 of Act No. 440, S. 186, Special Session 1966 (Acts 1966, p. 597) relating to the Sheriff's Department and counties having populations of not less than 300,000 nor more than 500,000.

Local Legislation No. 3.

By Rep. McMillan:

H. 1145. To amend Section 40-20-2, Code of Alabama 1975, which provides for the levying and the amount of tax upon businesses producing or severing oil or gas, so as to provide further for said tax.

Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Holmes and Reed:

H. J. R. 248. ADOPTING THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES PROVIDING FOR REPRESENTATION OF THE DISTRICT OF COLUMBIA IN CONGRESS.

WHEREAS, on August 22, 1978, the Congress of the United States of America adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"HOUSE JOINT RESOLUTION 554

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE

"SECTION 1. For purposes of representation in the Congress, election of the President and Vice President, and article V of this Constitution, the District constituting the seat of government of the United States shall be treated as though it were a State.

"SECTION 2. The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, and as shall be provided by the Congress.

"SECTION 3. The twenty-third article of amendment to the Constitution of the United States is hereby repealed.

"SECTION 4. This article shall be inoperative, unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the proposed amendment to the Constitution of the United States as herein shown is hereby adopted by the Legislature of Alabama.

RESOLVED FURTHER, That a copy of this resolution be sent to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Holmes offered the motion to suspend the rules and adopt the resolution, H. J. R. 248.

DIVISION OF THE QUESTION

Rep. Pegues called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Holmes to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 248, and the motion was lost.

The resolution, H. J. R. 248, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Ford:

H. J. R. 249. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE NEEDS AND NECESSITIES OF OFF-CAMPUS BRANCHES OR CENTERS OF JUNIOR COLLEGES.

WHEREAS, the costs of state funding for off-campus branches and centers of junior colleges have escalated in recent years; and

WHEREAS, much controversy surrounds the extent and areas of duplication of services and curriculum to the communities and taxpayers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of three members of the House of Representatives and three members of the Senate, appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets relating to the costs, curriculum, duplication of curriculum within the community, needs, necessities and any other pertinent matters pertaining to off-campus branches and centers of junior colleges. The committee shall have subpoena powers.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1981 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session. The total of such expenses shall not exceed \$7500.

The resolution, H. J. R. 249, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER

The House then proceeded with the consideration of the bills, on the Special Order Calendar.

And the bill:

H. 166. (With Amendment): To propose an amendment to the Constitution of Alabama with respect to the filling of vacancies in the office of judge of the circuit court holding at Mobile County.

Was taken up.

H. 166 INDEFINITELY POSTPONED

On motion of Rep. Buskey, the bill, H. 166 with pending amendment, was indefinitely postponed.

And the bill:

S. 394. Relating to Etowah County; to provide for an expense allowance for the chairman and board members of the Gadsden Water Works and Sewer Board.

Was read a third time at length and passed.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

S. 395. Relating to Etowah County; providing expense allowances to the official court reporters of the sixteenth judicial circuit payable from the general fund of the county.

Was read a third time at length and passed.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

S. 396. Relating to Etowah County; providing for the total compensation for the clerk of the jury commission; and repealing all conflicting laws.

Was read a third time at length and passed.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 971. To authorize the Blount County Commission to establish and maintain a contingent fund to be used for such purposes as the county commission deems appropriate; and to prescribe the maximum amount that may be appropriated for such fund in the fiscal year ending September 30, 1980 and in subsequent fiscal years.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1012. (With Amendment): Relating to Chambers County; to authorize the county commission to impose a privilege or license tax upon the sale, use or consumption of malt or brewed beverages; to provide for the administration and enforcement of this act; and to provide for the rate and distribution of the proceeds of the tax.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 1012, Section 1, Page 1, line 22 by striking the words and figure "in addition to all other taxes heretofore provided by law,"

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill, H. 1012 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1038. Relating to Choctaw County; to provide for an advisory only referendum on the question of the manner of selection of the county superintendent of education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

REGULAR SESSION
26th Day

1655

And the bill:

H. 1047. Relating to Chilton County; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1050. To repeal Act No. 79-346, H. B. 301, 1979 Regular Session of the Alabama Legislature, entitled, "An Act Relating to selling and redeeming lands for taxes in DeKalb County, Alabama."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 944. To alter the boundary line between Bibb and Tuscaloosa County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1039. Relating to Sumter County; providing for the life saving standard that any person hunting deer with guns wear "hunter orange" and providing certain exceptions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis, and Wyatt.

—77

And the bill:

H. 1043. Relating to Clay County; providing further for the compensation of election officials.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford,

Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1044. To extend, alter and rearrange the boundaries and corporate limits of the City of Sheffield, so as to annex certain contiguous territory to the City of Sheffield.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1046. Relating to Geneva County; providing that the Geneva County Commission or like governing body of Geneva County shall be authorized to levy sales and use taxes generally paralleling the state sales and use taxes with the same and additional exemptions and exclusions; providing for the collection of the revenue from said taxes; providing for the distribution of said revenue; providing that any such taxes may be levied in Geneva County as a whole or that there may be excluded from any such levy any incorporated municipality in Geneva County in which the general administration and supervision of public schools shall be vested in a city board of education; and providing for the discretionary holding of an advisory referendum.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford,

Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1048. To provide an expense allowance for the Circuit Court Register in Winston County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1057. Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1058. Relating to Tallapoosa County; removing raccoons and foxes from the category of fur-bearing animals.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1071. Relating to selling and redeeming lands for taxes in Bibb County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1072. Relating to Bibb County; to provide for the expense allowance of the coroner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer,

Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1073. Relating to Monroe County; amending Act No. 686, H. 1677, 1975 Regular Session (Acts 1975, p. 1437) entitled "An Act Relating to Monroe County; to authorize the tax assessor to hire clerical employees; to provide a clerk hire allowance for the tax assessor and to repeal Act No. 1831, H. 2480, Regular Session of the Legislature 1971 (Acts 1971, p. 2996), and other conflicting laws, so as to increase said allowance.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1074. Relating to Monroe County; amending Act No. 682, H. 1673, 1975 Regular Session (Acts 1975, p. 1435) entitled "An Act Relating to Monroe County; to authorize the tax collector to hire clerical employees; to provide a clerk hire allowance for the tax collector and to repeal Act No. 1828, H. 2477, Regular Session of the Legislature 1971 (Acts 1971, p. 2995), and other conflicting laws," so as to increase said allowance.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford,

Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1078. Relating to Sumter County; to provide for a \$100 expense allowance in lieu of mileage to be paid monthly to the members of the Sumter County Board of Education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 872. (With Amendment): Relating to Madison County, Alabama; to provide arrest powers for personnel of the Madison County Work Release and Pre-Trial Release Commission.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. B. 872 on page 1, Section 1, line 20 by adding after the figure 530) the following: who have been certified by The Alabama Peace Officer Standards and Training Commission,

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford,

Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill, H. 872 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1040. To authorize the Perry County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1041. Relating to Perry County; authorizing the County commission to change its day of regular meeting of the Commission from the second and fourth Monday of each month as specified in Code of Alabama 1975, Title 11, Chapter 3, Section 8, to the second and fourth Tuesday of each month.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1042. Relating to Perry County; authorizing the county commission to levy an additional privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages outside the municipal limits of Marion and Uniontown; and to provide for the distribution of the proceeds of said tax.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1021 (With Amendment): Relating to Macon County; providing an annual expense allowance for the judge of the district court; and giving this act retroactive effect to October 1, 1979.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 1021 by adding the following sentence to the end of Section 1 of said bill, viz:

Provided, however, that the implementation of the provisions of this Act shall be completely discretionary with the county commission.

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill, H. 1021 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Reed voting "Yea" on all local bills.

And the bill:

H. 1022. (With Amendment): Relating to Macon County; providing for an additional expense allowance for the members of the board of registrars of said county.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 1022 by adding the following sentence to the end of Section 1 of said bill, viz:

Provided, however, that the implementation of the provisions of this Act shall be completely discretionary with the county commission.

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill, H. 1022 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1024. (With Amendment): Relating to Macon County; to provide for the clerical assistance to the tax assessor; and to make this act retroactive to October 1, 1979.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 1024 by adding the following sentence to the end of Section 1 of said bill, viz:

Provided, however, that the implementation of the provisions of this Act shall be completely discretionary with the county commission.

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill, H. 1024 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1025. (With Amendment): Relating to Macon County; to provide for the clerical assistance to the tax collector; and to make this act retroactive to October 1, 1979.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 1025 by adding the following sentence to the end of Section 1 of said bill, viz:

Provided, however, that the implementation of the provisions of this Act shall be completely discretionary with the county commission.

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill, H. 1025 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1055. Relating to Montgomery County; providing for the assessment and collection of ad valorem taxes on motor vehicles, transferring certain duties and responsibilities of the tax assessor and tax collector to the probate judge requiring an additional bond of the probate judge; providing for the deposit of fees and commissions in the general fund of the county; providing that the cost of the operation of the office of probate judge due to assessment and collection of said ad valorem taxes shall be borne in part by the City of Montgomery; and defining terms.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford,

Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1068. To amend Sections 3.02, 3.05, 3.12, 3.15 and 4.04 of Act 618, H. 796, 1973 Regular Session of the Legislature (Acts 1973, p. 879), relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide for the Council of certain cities to set per diem allowances, salaries, or expense allowances (with certain limitations), to require persons seeking council seats to pay a qualifying fee of \$100 or submit a petition of 200 signatures of registered voters, to allow the Council to set its meeting days, and to fix the salary of the Mayor (with certain limitations).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1069. To amend certain sections of Act No. 618, H. 796, 1973 Regular Session (Acts 1973, p. 879), entitled "An Act To provide a form of municipal government to be known as the mayor-council form of government, which may be adopted by any city in the State of Alabama having a population of not less than 70,000 nor more than 135,000 according to the last or any succeeding federal or municipal census; to provide the method by which any such city may adopt the mayor-council form of government; to provide for the calling and holding of elections to vote thereon; to define and provide the legal status, form of government and powers of any such city under the mayor-council form of government; to provide as the governing body of such city a city council; to provide for the number of members of the council, their election and terms of office; to provide the functions, duties, powers and authority of the city council; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the election, term, qualifications and compensation of a mayor and for the filling of vacancies in the office of mayor and to provide the duties and authority of the mayor; to provide for the control of the finances of such city; to provide for an annual budget, its

preparation, submission, and adoption and the effect thereof; to create and define the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the terms and effects of succession in government of any city adopting the mayor-council form of government; to make various other provisions for any such city which adopts the mayor-council form of government and for the government thereof; and to provide for the means of abandoning the mayor-council form of government and the adoption by the city of other forms of municipal government in lieu thereof," so as to provide further for said form of government.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 906. Relating to Marion County; to amend Act No. 80-126, H. B. 603, 1980 Regular Session, entitled "An Act Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations," so as to provide further for said disposal.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1049. Relating to Morgan County; amending further Act No. 520, H. 1154, Regular Session 1965 (Acts 1965, p. 762), relative to establishing a jury commission for the county, so as to provide further for the compensation of said commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1051. Relating to Lamar County; to further provide for the compensation and expense allowances of certain members of the county commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1052. Relating to Lamar County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77: Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1059. Relating to Baldwin County; authorizing the county commission to protect the historic and preservation districts; creating certain agencies to promote the preservation of such districts which are located or are to be located in the designated historic districts; and adopting other provisions necessary to effect the purposes of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77: Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1060. Relating to Baldwin County; to provide further for the compensation of election officers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77: Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial,

Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1061. Relating to Baldwin County; to regulate and control the operation and licensing of massage parlors and to provide penalties for violation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77: Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1062. Relating to Baldwin County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

Was taken up.

AMENDMENT OFFERED

Rep. McMillan offered the following amendment to the bill, H. 1062:

Amend H. B. 1062, Section 8, page 6, line 20, after the word "the" by inserting the following: construction,

Further amend H. B. 1062, Section 8, page 6, line 21 by inserting a comma (,) after the word "maintenance".

Further amend H. B. 1062, Section 11, page 7, line 14, after the phrase "the board of education for the" by inserting the following: construction,

Further amend H. B. 1062, Section 11, page 7, line 14, after the word "maintenance" by adding the following: , and repair

And the amendment was adopted.

Yeas 77: Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill, H. 1062 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77: Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1063. Relating to Baldwin County; levying an additional privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of cigarettes and cigars in the county; providing for the collection and enforcement of the tax, appropriating the proceeds therefrom and prescribing penalties for violations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77: Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines,

Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1065. Relating to Baldwin County; to provide for the salary of the Judge of Probate.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77: Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1075. Relating to Tuscaloosa County; to provide an expense allowance to certain County and Judicial Officers, and supplemental salary increase to certain County employees in said County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77: Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 1089. Relating to Bullock County; providing further for an expense allowance for the county commissioners.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77: Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis and Wyatt

—77

And the bill:

H. 1056. (With Amendment): Relating to Montgomery County; to provide further for the compensation of the judge of probate.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. B. 1056 on page 1, line 17 by striking the figure \$32,500 and inserting in lieu thereof \$30,000.

Further amend H. B. 1056 on page 1, beginning on line 17, after the word per annum by changing the comma (,) to a period (.) and striking the remainder of the sentence.

MOTION TO TABLE LOST

The motion offered by Rep. Holmes to table the amendment reported by the Standing Committee on Local Legislation No. 4, was lost.

Yeas 2; Nays 3.

Yeas: Reps.: Holmes and Langford. —2

Nays: Reps.: Dixon, Grouby and Wyatt. —3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the amendment reported by the Standing Committee on Local Legislation No. 4, to the bill, H. 1056, and the amendment was adopted.

Yeas 3; Nays 2.

Yeas: Reps.: Dixon, Grouby and Wyatt. —3

Nays: Reps.: Holmes and Langford. —2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 1056 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 5; Nays 1.

Yeas: Reps.: Grouby, Holmes, Langford, McKee and Wyatt. —5

Nay: Rep. Dixon. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Parsons, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 177. A RESOLUTION COMMENDING BRAVE MEN.

WHEREAS, the fabled heroes of America have faded and died so that few remain and we are without the spirit of bravery that has come to characterize the name "American"; and

WHEREAS, eight brave men have given their lives in a remote Iranian desert in pursuit of freedom for their fellow Americans; and

WHEREAS, their bravery, dedication and ultimate sacrifice will be the substance of stories told and retold wherever brave men and women gather; now therefore

BE IT RESOLVED THAT THE ALABAMA SENATE, HOUSE CONCURRING, that we pause in the wake of this tragedy to honor the lives and names of these brave men who acted for their nation's honor: From the Air Force, Capt. Harold Lewis, 35, Mansfield, Conn.; Capt. Lynn McIntosh, 33, Valdosta, Ga.; Capt. Richard L. Bakke, 33, Long Beach, Calif.; Capt. Charles McMillian, 29, Boise, Idaho; and T/Sgt. Joel C. Mayo, Bonifay, Fla.; From the Marine Corps, Cpl. George M. Holmes Jr., 22, Pine Bluff, Ark.; Sgt. John Davis Harvey, 21, Jacksonville, N.C.; and Staff Sgt. Dewey L. Johnson, Jacksonville, N.C.

BE IT FURTHER RESOLVED that a copy of this resolution be delivered to the next of kin of these gallant men so that the memory of their sacrifice will not diminish with time and will serve as a lasting legacy.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Gafford, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 177, set out in the above and foregoing Message from the Senate.

SPECIAL ORDER RESUMED

And the bill:

H. 284. To provide further for political contributions by business corporations or any agent or officer acting in their behalf.

As amended on the fourteenth legislative day, and temporarily postponed on the sixteenth legislative day, was taken up.

AMENDMENT OFFERED

Rep. Albright offered the following amendment No. 1 to the bill, H. 284 as amended:

Amend Substitute for House Bill 284, Page 1, Section 1, Line 35 after the period by adding the following: Any such monies contributed by any corporation or its agents must be funds contributed by officers, stockholders or employees of such corporation. No corporate funds whatsoever shall be used for contributions under this Act.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Gafford to indefinitely postpone the amendment offered by Rep. Albright to the bill, H. 284 as amended, was lost.

Yeas 33; Nays 33.

Yeas:

Mr. Speaker, Amari, Cabaniss, Carothers, Carter, Clark (G), Dixon, Edwards, Gafford, Gilmer, Grimsley, Hall, Harper (T), Johnson (R. G.), Laird, Lewis, Manley, Moore, Olive, Owens, Patton, Payne, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (M), Turnham, Waggoner, Ward, Williams and Zoghby.

—33

Nays:

Reps.: Adams (C), Boles, Buskey, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Drinkard, Ford, Goodwin, Hammett, Hilliard, Holley, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Mitchell, Naramore, Nevett, Penry, Rains, Riddick, Starkey, Stout, Tucker, Willis and Wyatt.

—33

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 41. This Act, "The Excellence in Local Education Act," makes legislative findings and pursuant to such findings requires by October 1, 1982 local county or city governing bodies to have local tax-based funding to support local schools in an amount equivalent to ten mills of ad valorem tax in order for local school systems to receive a full allocation under the minimum program law.

Also:

H. 58. To amend Section 31-2-112, Code of Alabama, 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

Also:

H. 61. To amend Section 31-2-52, Code of Alabama 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

Also:

H. 142. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-1—11-44-57, Code of Alabama, 1975, to fix the salaries of all commissioners at least six months before the next election of any commissioner and to amend § 11-44-18, Code of Alabama, 1975.

Also:

H. 143. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-70—11-44-105, Code of Alabama, 1975, to fix the salaries of all Commissioners at least six months before the next general election of any commissioner and to amend § 11-44-80, Code of Alabama, 1975.

Also:

H. 320. To amend Section 36-26-17 of the Code of Alabama, 1975 relating to the manner of filling vacancies in the classified service to allow the Attorney General to appoint attorneys and legal research aides from a register without regard to the ranking of eligibles.

Also:

H. 776. To provide that any Class 5 city, according to Section 11-40-12 of the Code of Alabama 1975, as amended from time to time, may hold its city election on the second Tuesday in July 1980, and the run-off election three weeks after said second Tuesday, with the city election every three years thereafter to be held at the same appointed time, upon adoption of a resolution to such effect by the city governing body.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 49. To require any public water works board in a Class 1 municipality in the state to pay 6½% interest per annum on all customer security deposits required for services.

Also:

H. 69. To further amend Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Also:

H. 193. Relating to Mobile County; providing for an additional expense allowance for the tax collector.

Also:

H. 236. Relating to Mobile County; providing for the position of supernumerary county treasurer; and providing for the duties, qualifications, and compensation of any such officer.

Also:

H. 409. Relating to Mobile County; providing for the compensation and payment of an expense allowance of the members of the county governing body.

Also:

H. 525. Relating to Mobile County; to provide further for notice to delinquent taxpayers by the tax collector prior to sale for taxes.

Also:

H. 527. Relating to Mobile County; to increase the raccoon limit during hunting season from two to five raccoons per day.

Also:

H. 684. Relating to Mobile County: To amend Act 57, H. 438, p. 310, Acts of Alabama of 1971 authorizing the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged; to provide for the approval of such fee schedule by the County Commission of Mobile County, Alabama and the automatic increase of such fees.

Also:

H. 722. To amend Act No. 248, S. 279, 1947 Regular Session (Local Acts 1947, p. 172) authorizing and providing for the establishment, maintenance, operation and financing of a public law library in Mobile County, so as to provide for the taxing and collecting of library fees in Mobile County for the operation of such law library.

Also:

H. 801. Relating to Marshall County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 831. Relating to Mobile County; to provide for additional expense allowances for the chairman and members of the Board of Equalization.

Also:

H. 832. Relating to Mobile County; to provide that a person will be subject to arrest and prosecution for theft if he picks up a dog wearing a collar and tag which identifies the owner and the person fails to return the dog or notify the owner of his possession of the dog.

Also:

H. 848. To alter or rearrange the boundary lines of the Town of Douglas, Marshall County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

Also:

H. 857. Relating to Mobile County; providing for the compensation of the county treasurer.

Also:

H. 875. To amend Section 16 (a) (b) (1) (2) (3) (c) (d) and add Section 30, of Act No. 243, H. 278, first special session, 1964, as amended, which establishes the Pension and Relief System for policemen and firemen of the city of Mobile, by adjusting the pension benefits to be received by the surviving spouse of certain members of the police and fire departments of the city of Mobile and by providing a refund of contribution made by any member of said departments in the event of said member's death prior to said member's spouse becoming eligible for a survivor's benefit, and providing for a refund of contributions made by any member whose employment with said department is terminated prior to death; and to provide that any city employee who is transferred to the police or fire departments upon compliance with certain requirements will be given credit for all years of service with the city of Mobile on the pension roll of the Policemen and Firemen Pension and Relief Fund.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 890. Relating to the use of computer technology and equipment to enter, alphabetize, store, maintain, transmit electronically and generally prepare the various index records of the Probate Court of Mobile County as an alternative to the card or strip indexing system authorized by Act 460, 1957 Regular Session of the Alabama Legislature.

Also:

H. 894. Relating to Dale County; to provide for an additional expense allowance for the members of the board of equalization, board of registrars and the jury commission of said county and to provide for the number of days that the jury commission shall be in session.

Also:

H. 917. To provide that an idle speed zone for boats be established on a portion of Halls Mill Creek in Mobile County.

Also:

H. 953. To extend, alter, and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Also:

H. 954. Relating to Marengo County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 955. Relating to Marengo County; providing for an expense allowance for members of the Board of Education and repealing Act No. 212, H. 591, 1957 Regular Session, (Acts 1957, p. 269).

Also:

H. 956. Relating to Marengo County; providing further for the expense allowance and mileage for the chairman and members of the county board of equalization; providing such payments shall be payable from state and local funds as provided by law; and giving the provisions of the Act retroactive effect.

Also:

H. 957. To repeal Act No. 355, H. 896 of the 1969 Special Session (Acts 1969, Vol. I, p. 728), entitled, "An Act To apply only in counties having populations of not less than 27,000 nor more than 30,000; providing expense allowances for members of the county board of equalization payable from the general funds of the county; and giving the act retroactive effect."

Also:

H. 966. Relating to Fayette County; giving the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individuals, or nonprofit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Also:

H. 972. Relating to Lawrence County; to allow the use of dogs and/or buck shot in shotguns in deer hunting outside of wildlife management hunting areas.

Also:

H. 973. Relating to Lawrence County; to abolish the office of license inspector; to place the powers, duties and functions of said office in the county commission of said county; to provide for the disposition of fees accruing from the performance of the duties of license inspectors; and to provide for the employees to carry out this act.

Also:

H. 974. Relating to Lawrence County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 975. Relating to Lawrence County; to authorize the county commission to hire an appraiser to conduct ad valorem tax appraisal work on behalf of the tax assessor's office; and to authorize the expenditure of funds to carry out the provisions of this act.

Also:

H. 981. Relating to Cherokee County; providing salaries for the Chairman and associate members of the Cherokee County Commission; providing for travel allowance for out of County travel for all members of the County governing body; and repealing Act No. 523 and Act No. 664 of the 1976 Regular Session.

Also:

H. 982. Relating to Cherokee County; to provide further for the expense allowance and compensation of certain county officers.

Also:

H. 983. To alter or rearrange the boundary lines of the Town of Creola, Mobile County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

Also:

H. 991. To set a penalty of a one thousand dollar fine and a six month term in jail for any person convicted of unlawfully possessing a firearm in Mobile County.

Also:

H. 997. To apply to Mobile County and require only gas utility boards organized and incorporated by a municipality to pay interest on deposits paid by customers situated within the territory served by such gas district.

Also:

H. 999. Relating to Cherokee County; to provide an expense allowance for the coroner, and to provide that such allowance shall convert to a salary increase beginning with the next term of office of the coroner.

McDOWELL LEE,
Secretary.

REGULAR SESSION
26th Day

1683

H. 284 RESUMED
AMENDMENT LOST

The question was then on the amendment No. 1 offered by Rep. Albright to the bill, H. 284 as amended, and the amendment was lost.

Yeas 36; Nays 37.

Yeas:

Reps.: Adams (C), Albright, Boles, Buskey, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Drinkard, Ford, Goodwin, Greer, Hall, Hammett, Harvey, Hilliard, Holley, Horn, Howard, Jackson, Kennedy, Langford, Mitchell, Naramore, Nevett, Penry, Rains, Riddick, Starkey, Stout, Tucker, Willis, Wyatt and Zoghby.

—36

Nays:

Mr. Speaker, Amari, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Dial, Dixon, Edwards, Gafford, Grimsley, Harper (T), Holmes, Johnson (R. G.), Laird, Lewis, McKee, Manley, Minus, Moore, Olive, Owens, Patton, Payne, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (M), Turnham, Venable, Waggoner and Williams.

—37

MOTION TO POSTPONE

Rep. Albright offered the motion to postpone further consideration of the bill, H. 284 as amended, to the twenty-eighth legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Payne to table the motion to postpone offered by Rep. Albright, was lost.

Yeas 39; Nays 43.

Yeas:

Mr. Speaker, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cosby, Dial, Dixon, Edwards, Gafford, Gilmer, Grimsley, Grouby, Harper (T), Hines, Johnson (R. G.), Lewis, McKee, Manley, Minus, Olive, Owens, Patton, Payne, Pegues, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Trammell, Turnham, Waggoner, Ward, Whatley and Williams.

—39

Nays:

Reps.: Albright, Barton, Boles, Buskey, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Drinkard, Ford, Goodwin, Greer, Hall, Hammett, Harper (O), Harvey, Hilliard, Holley, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Mitchell, Naramore, Nevett, Penry, Rains, Ray, Riddick, Smith (C), Starkey, Stout, Tucker, Turner, Venable, Willis, Wyatt and Zoghby.

—43

H. 284 POSTPONED

The question was then on the motion offered by Rep. Albright to postpone further consideration of the bill, H. 284 as amended, to the twenty-eighth legislative day, and the motion was adopted.

Yeas 44; Nays 38.

Yeas:

Reps.: Adams (H), Albright, Barton, Boles, Buskey, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Drinkard, Ford, Goodwin, Greer, Hall, Hammett, Harvey, Hilliard, Holley, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Mitchell, Naramore, Nevett, Penry, Rains, Ray, Riddick, Smith (C), Starkey, Trammell, Tucker, Turner, Turnham, Venable, Willis, Wyatt and Zoghby.

—44

Nays:

Mr. Speaker, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cosby, Dial, Dixon, Edwards, Gilmer, Grimsley, Grouby, Harper (O), Harper (T), Hines, Johnson (R. G.), Laird, Lewis, McKee, Manley, Minus, Moore, Olive, Patton, Payne, Pegues, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Waggoner, Whatley and Williams.

—38

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Whatley to suspend the rules in order to take up out of order the bills, H. 1079, H. 1080 and H. 1081, was lost.

Yeas 26; Nays 41.

Yeas:

Reps.: Bowling, Carter, Cates, Cheatwood, Cooley, Crow, Daniels, Edwards, Gilmer, Harper (O), Harper (T), Harvey, Holley, Howard, Langford, Letson, Nevett, Patton, Penry, Roberts, Smith (C), Tucker, Turner, Turnham, Willis and Wyatt.

—26

Nays:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Boles, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Cobb, Coburn, Cosby, Dial, Dixon, Drinkard, Ford, Goodwin, Greer, Grimsley, Hammett, Holmes, Horn, Johnson (Roy), Laird, Lewis, McKee, Manley, Mitchell, Naramore, Olive, Pegues, Sasser, Seibels, Shoemaker, Starkey, Venable, Waggoner and Williams.

—41

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Whatley, the rules were suspended in order to take up out of order the bill, H. 1079.

Yeas 57; Nays 7.

Yeas:

Mr. Speaker, Amari, Bedsole, Bennett, Bowling, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley, Crow, Daniels, Dial, Edwards, Gilmer, Goodwin, Greer, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Holley, Holmes, Horn, Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Mitchell, Moore, Naramore, Nevett, Owens, Patton, Payne, Penry, Rains, Ray, Reed, Riddick, Sandusky, Smith (C), Smith (J), Starkey, Turnham, Venable, Waggoner, Warren, Willis and Zoghby.

—57

Nays:

Reps.: Albright, Barton, Cobb, Cosby, Manley, Pegues and Williams.

—7

And the bill:

H. 1079. To amend Section 2-21-24, Code of Alabama 1975, which relates to inspection fees, reports and cancellation of licenses concerning commercial feeds so as to raise the amount required to be paid to the Agricultural Fund of the Department of Agriculture and Industries for inspection fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Holley, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—79

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Seibels, the rules were suspended in order to take up out of order the bill, H. 520.

Yeas 16; Nays 3.

Yeas:

Reps.: Amari, Bennett, Cabaniss, Carter, Gafford, Gilmer, Hilliard, Horn, Howard, Lewis, Moore, Payne, Seibels, Trammell, Tucker and Waggoner.

—16

Nays: Reps.: Cheatwood, Nevett and Olive.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 520. (With Amendments): Relating to Jefferson County; permitting qualified organizations to operate bingo games within the county; providing for the regulation, permit granting and revocation and supervision of such bingo games; providing for a tax exemption; providing for penalties; providing for a referendum of the voters of this county on the question of whether the act will become effective in the county unless the voters thereof approve the constitutional amendment, and providing that the act shall become effective upon the adoption of an amendment to the Constitution of Alabama empowering the Legislature to authorize bingo within Jefferson County.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. B. 520, page 1, Section 2, line 31, by adding after the word "act." the following:

"Bingo games shall be held only on the premises wholly owned by a qualified permitholder as defined in Section 2, subsection (6), with exception to rental agreement in Section 9 (c) of this act."

And the amendment was adopted.

Yeas 14; Nays 2.

Yeas:

Reps.: Amari, Bennett, Cabaniss, Gafford, Gilmer, Hilliard, Horn, Howard, Manley, Moore, Nevett, Seibels, Trammell and Waggoner.

—14

Nays: Reps.: Cheatwood and Olive.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. B. 520, page 7, Section 9 (c), line 13, by adding after the word "conducted." the following:

"When premises owned by permitholder is destroyed by a natural disaster or any act not the fault of the tenant or property owner, than the premises may be rented for only 1 year."

And the amendment was adopted.

Yeas 10; Nays 2.

Yeas:

Reps.: Amari, Bennett, Cabaniss, Gafford, Horn, Manley, Moore, Seibels, Trammell and Waggoner.

—10

Nays: Reps.: Cheatwood and Olive.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. B. 520, page 8, Section 14, line 35, by striking after the word "regulations" the word "ehich", and inserting in lieu thereof the word "which"

And the amendment was adopted.

Yeas 9; Nays 3.

Yeas:

Reps.: Amari, Bennett, Cabaniss, Gafford, Horn, Moore, Seibels, Trammell and Waggoner.

—9

Nays: Reps.: Cheatwood, Olive and Tucker.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Lewis offered the following amendment to the bill, H. 520 as amended:

Amend Section 2 by adding after paragraph (1) the following:

"(2) Chief of Police means the Chief of Police of any municipality electing to establish a 'Bingo' ordinance parallel, or similar, to this Act to apply with such municipality."

Amend Section 3 by adding after the word "Required" in line 22 the figure and symbols: "(a)" and following line 36 on page 3 of said Act the following:

"(b) Any municipality wholly or partially within Jefferson County may elect to establish a Bingo control ordinance parallel to and similar to this Act and containing the same restrictions and controls as specified herein, to be

administered by the Chief of Police of such municipality who shall, in such event, if provided for in the municipal ordinance, exercise the same powers and duties with respect to games of Bingo as are provided herein to be exercised by the Sheriff, and in such event the Chief of Police shall be the primary, but not exclusive, enforcement officer to assure enforcement of the regulation of such games within the boundaries of such municipalities as herein provided. Any ordinance so adopted by such a municipality shall be at least as restrictive of the game of Bingo as this Act and no person, organization, or other legal entity who, or which, would not be so authorized hereunder shall be allowed to conduct Bingo games under such municipal ordinances. Any fees for permits provided for in any ordinances so adopted by a municipality shall be in lieu of the permit fees provided for otherwise in this Act."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 11; Nays 2.

Yeas:

Reps.: Amari, Bennett, Cabaniss, Gafford, Hilliard, Horn, Moore, Seibels, Trammell, Tucker and Waggoner.

—11

Nays: Reps. Cheatwood and Olive.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 520 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 13; Nays 3.

Yeas:

Reps.: Amari, Bennett, Cabaniss, Gafford, Hilliard, Horn, Howard, Lewis, Moore, Seibels, Trammell, Tucker and Waggoner.

—13

Nays: Reps.: Cheatwood, Nevett and Olive.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1087. Relating to Sumter County to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state

revenue department; providing for the distribution and use of the proceeds; providing penalties for violations of this act; and providing that the terms of this act shall not become effective unless approved by the electors of Sumter County at a referendum election held for such purpose.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 1.

Yeas:

Reps.: Adams (C), Barton, Bennett, Boles, Cabaniss, Cheatwood, Clark (G), Cosby, Crow, Edwards, Gafford, Gilmer, Greer, Hall, Hammett, Harper (O), Johnson (R. G.), Laird, McMillan, Minus, Moore, Owens, Patton, Pegues, Penry, Ray, Reed, Sasser, Shoemaker, Starkey, Stout, Williams and Willis.

—33

Nay: Rep. Manley.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1082. Relating to Greene County; providing for an additional allowance for election officials who work at polling places.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Buskey, Cabaniss, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grouby, Hall, Hammett, Holmes, Horn, Kennedy, McMillan, Manley, Moore, Naramore, Patton, Pegues, Penry, Ray, Sasser, Starkey, Stout, Trammell, Venable, Williams, Willis, Wyatt and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1090. To exempt the Bullock County Health Services, Inc., from the payment of all state, county and municipal sales and use taxes.

Was taken up.

AMENDMENT OFFERED

Rep. Reed offered the following amendment to the bill, H. 1090:

On line 10, strike the word "state",

On line 18, strike the word "State",

On Line 22, strike the word "state",

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bowling, Cabaniss, Carter, Cheatwood, Clark (W), Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Hall, Hammett, Harper (O), Hines, Horn, Kelley, Laird, McMillan, Manley, Mitchell, Moore, Naramore, Nevett, Olive, Patton, Penry, Ray, Sasser, Shoemaker, Stout, Turner, Ward, Williams and Willis.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1090. To exempt the Bullock County Health Services, Inc., from the payment of all county and municipal sales and use taxes.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Reps.: Adams (C), Barton, Bowling, Buskey, Cabaniss, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Hall, Hammett, Harper (O), Hines, Horn, Howard, Kelley, Kennedy, Laird, Mitchell, Moore, Naramore, Olive, Patton, Pegues, Penry, Ray, Reed, Sandusky, Sasser, Shoemaker, Smith (M), Stout, Trammell, Turner, Ward, Williams and Willis.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1091. To exempt the Bullock County Ambulance Service, Inc., from the payment of all state, county and municipal sales and use taxes.

Was taken up.

AMENDMENT OFFERED

Rep. Reed offered the following amendment to the bill, H. 1091:

On line 10, strike the word "state",

On line 18, strike the word "state",

On line 22, strike the word "state,"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bowling, Cabaniss, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Hall, Hammett, Harvey, Hilliard, Horn, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Patton, Pegues, Penry, Ray, Reed, Sandusky, Sasser, Shoemaker, Smith (M), Stout, Trammell, Turner, Ward, Williams, Willis and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1091. To exempt the Bullock County Ambulance Service, Inc., from the payment of all county and municipal sales and use taxes.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Barton, Blake, Bowling, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Howard, Kennedy, McMillan, Manley, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Ray, Reed, Sandusky, Sasser, Shavers, Shoemaker, Stout, Trammell, Turner, Ward, Williams and Willis.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1023. (With Amendment): Relating to Macon County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such county; and to provide penalties for violations.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 1023 by adding the following sentence to the end of Section 1 of said bill, viz:

Provided, however, that the implementation of the provisions of this Act shall be completely discretionary with the county commission.

And the amendment was adopted.

Yeas 48; Nays 0.

Yeas:

Reps.: Adams (C), Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Hall, Hammett, Harper (O), Harper (T), Hilliard, Horn, Howard, Kennedy, McMillan, Manley, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Ray, Roberts, Sandusky, Sasser, Shoemaker, Stout, Turner, Waggoner, Williams, Willis and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Reed offered the following amendment to the bill, H. 1023 as amended:

On page 1, Section 2, delete the period on line 27 and delete lines 28 and 29 completely and insert in lieu thereof the following language:

, and four residents of Macon County: One adult male, one adult female, one minor male and one minor female who shall be named by the legislative delegation representing Macon County. The senator, or the representative or representatives of Macon County shall individually or jointly convene persons named in said Act and shall preside over the meetings. Said four Macon County residents' term of office as members of the board shall end with the term of office of the appointing authority ends. Any vacancy in the positions filled by the four residents shall be filled by the appointing authority.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 39; Nays 0.

Yeas:

Reps.: Albright, Barton, Bennett, Blake, Cabaniss, Carothers, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Horn, Howard, McMillan, Mitchell, Naramore, Nevett, Patton, Pegues, Penry, Ray, Sandusky, Sasser, Shoemaker, Stout, Turner, Williams, Willis and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 1023 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Reps.: Adams (C), Barton, Bennett, Blake, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Horn, Howard, McMillan, Mitchell, Naramore, Nevett, Olive, Patton, Pegues, Penry, Ray, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Stout, Turner, Waggoner, Williams, Willis and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 762. (With Amendment): To amend Section 8-16-94, Code of Alabama 1975, pertaining to minimum weights of certain commodities when said commodities are sold by bushel or barrel; to allow said commodities to be sold at the weight per bushel or barrel as is generally reorganized in the present day marketplace; to allow the State Board of Agriculture and Industries to set minimum weights per bushel or barrel for certain commodities when present marketing practices so dictate.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Agriculture and Forestry, said committee amendment being as follows:

Amend House Bill 762, page 1, in the title, on line 23 after the word "generally" by deleting reorganized and inserting in lieu thereof recognized

Further amend H. B. 762, page 1, in the title, on line 24 after the word "agriculture" by deleting of agriculture

And the amendment was adopted.

Yeas 56; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Blake, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grimsley, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Kelley, Langford, McMillan, Minus, Mitchell, Naramore, Nevett, Olive, Patton, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Stout, Turner, Waggoner, Whatley, Williams, Willis and Zoghby.

—56

Nay: Rep. Hall.

—1

And the bill:

H. 762. To amend Section 8-16-94, Code of Alabama 1975, pertaining to minimum weights of certain commodities when said commodities are sold by bushel or barrel; to allow said commodities to be sold at the weight per bushel or barrel as is generally recognized in the present day marketplace; to allow the State Board of Agriculture and Industries to set minimum weights per bushel or barrel for certain commodities when present marketing practices so dictate.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Boles, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Holley, Holmes, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Owens, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Starkey, Stout, Turner, Venable, Ward, Whatley, Williams, Willis and Wyatt.

—72

RESOLUTION

The following resolution was introduced:

By Rep. Carothers:

H. J. R. 250. CREATING THE JOINT INTERIM COMMITTEE TO STUDY NUCLEAR ENERGY ACTIVITIES.

WHEREAS, nuclear power is a part of Alabama's industry and its growth is continuing inasmuch as by the end of 1982, there will be seven (7) nuclear reactors operating in the state and a nuclear fuel fabricating plant will begin commercial operation at Prattville in 1983; and

WHEREAS, the people of the State of Alabama are concerned about nuclear power, their confidence in nuclear power being greatly reduced because of the Three Mile Island-2 series of accidents; and

WHEREAS, the Joint Interim Committee on Nuclear Energy did not complete its studies as regards to the nuclear power industry and there is a need in the state for this matter to be studied with attention focused on the results affecting the people of Alabama regarding fall-out and disposal of the radioactive by-products of nuclear fission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Committee from both houses of the Legislature to study the effects of nuclear energy and other matters pertaining to nuclear energy in the State of Alabama.

BE IT FURTHER RESOLVED, That said Joint Committee is to be composed of nine (9) members composed of the Chairman of the House Health Committee and Chairman of the Senate Health Committee and four (4) members of the House Health Committee appointed by the Chairman and three (3) members from the Senate Health Committee to be appointed by the Chairman of the Health Committee in the Senate. This Committee shall meet within ten (10) days after final adjournment of the 1980 Regular Session of the Legislature for the purpose of organization. The responsibilities of the members should be discussed and determined at the organizational session. The Committee shall make its final report to the Legislature no later than the fifth legislative day of the 1981 Regular Session at which time the Committee shall be terminated.

The Clerk of the House and the Secretary of the Senate are directed to furnish secretarial help for the Committee and the Committee shall receive its regular mileage and per diem. There is appropriated from the funds appropriated for the use of the Legislature the amount of seven thousand dollars (\$7,000.00) for the expense of this Committee.

On motion of Rep. Carothers, the rules were suspended and the resolution, H. J. R. 250, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 782. To amend Sections 36-26-6 and 36-26-27 of the Code of Alabama 1975 so as to further prescribe hearing procedures for the dismissal and disciplining of state employees when such actions are initiated by the appointing authority.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall,

Hammett, Harper (O), Harper (T), Holley, Horn, Howard, Johnson (R. G.), Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Patton, Penry, Ray, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Stout, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

Nays: Reps.: Buskey, Holmes, Kennedy and Turner.

—4

And the bill:

H. 332. This bill amends Section 22-21-24, Code of Alabama, 1975, by increasing the annual fee for a hospital license.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Hines, Holley, Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, Lewis, McKee, Naramore, Owens, Patton, Pegues, Penry, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

Nay: Rep. Ray

—1

And the bill:

H. 985. To amend Section 41-9-450 of the Code of Alabama 1975, relating to the Sports Hall of Fame Board, so as to further provide for membership on the board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Hilliard, Holley, Holmes, Horn, Jackson, Johnson (R. G.), Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus Moore, Naramore, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—74

And the bill:

H. 307. (With Amendment): To amend Section 25-4-5, Section 25-4-10, Section 25-4-53, Section 25-4-113, Section 25-4-118, Section 25-4-141 and Section 25-4-145, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to remove provisions covering certain participants in federally funded programs; to redefine the definition of "educational institution"; to provide for punishment by fine and/or imprisonment for failure to hold in trust contributions deducted from employees; to provide employees immunity from civil suits for acts performed in their official capacity except for wanton or malicious conduct; to permit disclosure of information to welfare officials in performance of official duties in connection with aid to families and dependent children and with restriction, for economic analysis; to remove requirement for an individual to testify even if testimony might be self-incriminating; to increase, upon conviction of violation of code requirements, maximum fine from \$250 to \$500 and maximum length of imprisonment from 3 months to 12 months; to increase statute of limitations for conviction for violations from 2 to 3 years and to establish procedures for the collection of overpayment of benefits.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. B. 307 on page 18, Section 2, line 17 by adding after the word "school", the following:

", or it is a church school which is exempt from approval, licensure or issuing of a permit by the State Department of Education or other governmental agencies."

and on line 18 by adding after the word "academic," the following:
"religious,".

And the amendment was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Cabaniss, Carter, Cates, Clark (G), Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Hilliard, Hines, Holmes, Horn, Howard, Jackson, Letson, Lewis, McKee, Minus, Moore, Naramore, Patton, Pegues, Penry, Rains, Ray, Reed, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill, H. 307 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Goodwin,

Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Jackson, Johnson (R. G.), Kennedy, Letson, Lewis, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—72

And the bill:

H. 308. (With Amendments): To amend Section 25-4-16, Section 25-4-74, Section 25-4-78, Section 25-4-91, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act to redefine "wages" to include back pay awards; to distribute such payments over the period covered by such payments; to describe the effect receipt of such payments shall have on the receipt of benefits and to permit a claim to be reopened and redetermined after the end of the benefit year if the original determination was based upon false or misrepresented information.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. B. 308, Section 1, Page 2, lines 14 through 16 to read as follows:

"be determined in accordance with rules prescribed by the director; except that effective upon the enactment of this act and for the purposes of reporting and computing the amount of contributions due, back pay awarded as the result of an agreement, arbitration or order of a court"

and

In Section 3, Page 13, line 31 after "maximum benefit amount" insert "and prompt deposit into the fund", and on Page 15, line 10, delete "pursuant to an employment contract or agreement" and insert the following in lieu thereof:

"based on previous work of the individual"

And the amendment was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Blake, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Coburn, Crow, Dial, Drinkard, Edwards, Ford, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Hines, Holmes, Horn, Jackson, Kennedy, Langford, Letson, Lewis, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Patton, Pegues, Penry, Rains, Roberts, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis and Wyatt.

—61

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. B. 308, Section 3, page 13, line 26, by inserting after the word "award", the following:

"Notwithstanding the provisions of section 25-4-91" and change "Any" to "any"

Further amend H. B. 308, Section 4, beginning on page 17, in its entirety and

renumbering subsequent sections accordingly.

And the amendment was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Dial, Drinkard, Edwards, Ford, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Horn, Johnson (R. G.), Langford, Letson, Lewis, McKee, Minus, Moore, Naramore, Olive, Patton, Payne, Pegues, Penry, Rains, Ray, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—60

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 80. To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

Also:

S. 327. To amend the Title and Section 1 of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama approved August 8, 1979, entitled "An Act relative to Class 4 and 5, and 7 and 8 municipalities in this state having a population of not less than 25,000 and not more than 99,999 inhabitants or a population of 11,999 or less inhabitants according to the last or any subsequent Federal decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges

of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof", so as to make said Act applicable to Class 6 municipalities in the state.

Also:

S. 393. Relating to the promotion of the production, distribution, improvement, marketing, use and sale of soybeans and soybean products; to amend Section 2-8-88 of the Code of Alabama 1975, so as to increase the intervals between referendums on the assessments imposed on the sale of soybeans for such promotion from three to five years; to amend Section 2-8-91 so as to delete the three percent of the total assessment that the buyer collects for handling said assessments; to repeal Section 2-8-93, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale; and to provide for a referendum within 90 days of the effective date hereof.

Also:

S. 459. Relating to St. Clair County; providing for the hiring of certain personnel in the office of the sheriff in said county and prescribing salaries for such personnel.

Also:

S. 493. Relating to Wilcox County; to provide certain expense allowances for the Tax Assessor and Tax Collector of said county and to repeal all conflicting statutes.

Also:

S. 541. To provide for distribution of the share of in-lieu-of-taxes payments of T.V.A. for Marshall County and the appropriate municipalities therein.

Also:

S. 543. Relating to Lowndes County; providing for clerical assistance for the tax assessor and tax collector of such county until September 1, 1980; and giving this act retroactive effect.

Also:

S. J. R. 9. Applying to Congress to call a Constitutional Convention concerning the protection of human life at every state of its biological development.

Also:

S. J. R. 165. MOURNING THE DEATH OF WILLIAM KELLY LITRELL OF HARTSELLE, ALABAMA.

Also:

S. J. R. 166. EXTENDING A WARM WELCOME TO A NATIVE SON, HONORABLE WAYNE MIXSON, LIEUTENANT GOVERNOR OF FLORIDA.

Also:

S. J. R. 169. COMMENDING MISS DONNA BARROW FOR BEING CHOSEN 1980 ALABAMA TEXTILE QUEEN.

Also:

S. J. R. 173. MOURNING THE DEATH OF MR. B. ROPER DIAL, PROMINENT BIRMINGHAM BUSINESSMAN AND CIVIC LEADER.

Also:

S. J. R. 174. RECOGNIZING COACH CHARLES MARTIN NEWTON FOR EXTRAORDINARY ACHIEVEMENT AS HEAD BASKETBALL COACH FOR THE UNIVERSITY OF ALABAMA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

H. 308 RESUMED

And the bill, H. 308 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Horn, Jackson, Johnson (R. G.), Kelley, Kennedy, Letson, Lewis, McKee, Manley Minus, Moore, Naramore, Nevett, Olive, Patton, Payne, Pegues, Rains, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—68

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Kelley offered the motion to reconsider the vote by which the bill, H. 307 was passed as amended, and the motion to reconsider was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Horn, Johnson (R. G.), Langford, Letson, Lewis, McKee, Minus, Moore, Naramore, Olive, Owens, Patton, Payne, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—59

H. 307 AGAIN TAKEN UP AMENDMENT OFFERED

Rep. Carter offered the following amendment to the bill, H. 307 as amended:

Amend H. B. 307 on page 23, line 27, after the word "state" by inserting the following:

"or a federal governmental corporation upon payment of reasonable costs therefor"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Howard, Johnson (R. G.), Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Patton, Pegues, Rains, Reed, Roberts, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Starkey, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams and Wyatt.

—63

And the bill, H. 307 as amended, was again read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Coburn, Cosby, Crow, Drinkard, Edwards, Ford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Letson, Lewis, McKee, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Rains, Reed, Roberts, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Starkey, Turner, Venable, Ward, Warren, Williams, Willis and Wyatt.

—64

And the bill:

H. 306. To amend Sections 25-4-132 and 25-4-133, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act, to increase the rate of interest on delinquent contributions from 1% to 1½% and authorize the director to establish by regulation, and assess in accordance therewith, a penalty against any employer who fails to pay contributions on or before established due dates, and a penalty of not more than \$500 against any employer who fails, within the time prescribed, to file any reports required by law, rule or regulation.

Was taken up.

MOTION TO POSTPONE TABLED

On motion of Rep. Shoemaker, the motion offered by Rep. Holley to postpone temporarily the bill, H. 306, was tabled.

Yeas 39; Nays 24.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Carter, Clark (G), Coburn, Cosby, Dial, Edwards, Grimsley, Grouby, Hammett, Harper (T), Howard, Johnson (R. G.), Letson, Lewis, McKee, Manley, Minus, Naramore, Olive, Owens, Patton, Sandusky, Sasser, Seibels, Shoemaker, Tucker, Turnham, Venable, Waggoner, Warren and Williams.

—39

Nays:

Reps.: Albright, Cheatwood, Cobb, Daniels, Drinkard, Greer, Hall, Holley, Holmes, Johnson (Roy), Laird, Langford, Mitchell, Moore, Nevett, Pegues, Penry, Rains, Reed, Smith (C), Starkey, Trammell, Turner and Wyatt.

—24

CO-SPONSORS ADDED

Reps. Venable, Hammett and Carothers were added as co-sponsors to the bill, H. 306.

MOTION TO POSTPONE TABLED

On motion of Rep. Shoemaker, the motion offered by Rep. Greer to postpone the bill, H. 306, to the twenty-seventh legislative day, was tabled.

Yeas 42; Nays 16.

Yeas:

Mr. Speaker, Adams (H), Barton, Blake, Cabaniss, Campbell, Carothers, Clark (G), Coburn, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kelley, McKee, Manley, Minus, Moore, Patton, Payne, Pegues, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Trammell, Turner, Turnham, Venable, Waggoner, Williams and Zoghby.

—42

Nays:

Reps.: Albright, Bennett, Crow, Goodwin, Greer, Hall, Hines, Holmes, Kennedy, Laird, Langford, Olive, Rains, Ray, Starkey and Wyatt.

—16

AMENDMENT OFFERED

Rep. Harvey offered the following amendment to the bill, H. 306:

On Page 2 Line 20 strike \$500 an add: \$5.00 and up to 10% of the Contribution Payment.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Lewis, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Venable, Waggoner, Ward, Williams, Wyatt and Zoghby.

—75

Nay: Rep. Kelley.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 116. To provide further for the disposition of surplus state property; to provide that such property shall be screened by the Forestry Commission for use by volunteer fire departments; to provide for the transfer or loan of such property for fire protection purposes; and to provide penalties for violations.

Also:

H. 144. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-120—11-44-140, Code of Alabama, 1975, to fix the salaries of all commissioners at least six months before the next election of any commissioner and to amend § 11-44-129, Code of Alabama, 1975.

Also:

H. 235. To amend Sections 4 and 6 of Act No. 79-441, H. 203, Regular Session 1979, which provides for the Historical Preservation Authorities Act of 1979, so as to further provide for the election and terms of the members of

the Board of Directors; to provide for notice to the governing body relative to appointments of directors, and to provide for notice to certain governing bodies of the applicants for formation of a public corporation authority for historical preservation, in an area comprising two or more counties.

Also:

H. 265. To repeal Section 11-51-99, Code of Alabama, 1975, which limits the amount of license a municipality may levy on vending and weighing machines.

McDOWELL LEE,
Secretary.

H. 306 RESUMED

And the bill, H. 306 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Hilliard, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Lewis, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Venable, Waggoner, Warren, Williams, Willis and Wyatt.

—76

CO-SPONSOR ADDED

Rep. Holley was added as co-sponsor to the bill, H. 306.

And the bill:

H. 310. To amend Sections 25-8-2, 25-8-4, 25-8-5, 25-8-9, 25-8-11, 25-8-14, 25-8-16, 25-8-18, 25-8-23, 25-8-26, 25-8-28, and 25-8-30 of the Code of Alabama 1975, relating to the child labor law, so as to regulate further the employment of certain children and to prescribe additional penalties for violations.

Was taken up.

AMENDMENT OFFERED

Rep. Shoemaker offered the following amendment to the bill, H. 310:

Amend H. B. 310 in the title, page 1, line 18 by deleting the figures: 25-8-4

On page 1, on line 25 delete the figures: 25-8-4

On page 4, delete lines 5 through 24 in their entirety.

H. 310 TEMPORARILY POSTPONED

On motion of Rep. Johnson (Roy), the bill, H. 310 with pending amendment, was temporarily postponed.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 49. To require any public water works board in a Class 1 municipality in the state to pay 6½% interest per annum on all customer security deposits required for services.

Also:

H. 69. To further amend Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Also:

H. 193. Relating to Mobile County; providing for an additional expense allowance for the tax collector.

Also:

H. 236. Relating to Mobile County; providing for the position of supernumerary county treasurer; and providing for the duties, qualifications, and compensation of any such officer.

Also:

H. 409. Relating to Mobile County; providing for the compensation and payment of an expense allowance of the members of the county governing body.

Also:

H. 525. Relating to Mobile County; to provide further for notice to delinquent taxpayers by the tax collector prior to sale for taxes.

Also:

H. 527. Relating to Mobile County; to increase the raccoon limit during hunting season from two to five raccoons per day.

Also:

H. 684. Relating to Mobile County: To amend Act 57, H. 438, p. 310, Acts of Alabama of 1971 authorizing the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged; to provide for the approval of such fee schedule by the County Commission of Mobile County, Alabama and the automatic increase of such fees.

Also:

H. 722. To amend Act No. 248, S. 279, 1947 Regular Session (Local Acts 1947, p. 172) authorizing and providing for the establishment, maintenance, operation and financing of a public law library in Mobile County, so as to provide for the taxing and collecting of library fees in Mobile County for the operation of such law library.

Also:

H. 801. Relating to Marshall County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 831. Relating to Mobile County; to provide for additional expense allowances for the chairman and members of the Board of Equalization.

Also:

H. 832. Relating to Mobile County; to provide that a person will be subject to arrest and prosecution for theft if he picks up a dog wearing a collar and tag which identifies the owner and the person fails to return the dog or notify the owner of his possession of the dog.

Also:

H. 848. To alter or rearrange the boundary lines of the Town of Douglas, Marshall County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

Also:

H. 857. Relating to Mobile County; providing for the compensation of the county treasurer.

Also:

H. 875. To amend Section 16 (a) (b) (1) (2) (3) (c) (d) and add Section 30, of Act No. 243, H. 278, first special session, 1964, as amended, which establishes the Pension and Relief System for policemen and firemen of the city of Mobile, by adjusting the pension benefits to be received by the surviving spouse of certain members of the police and fire departments of the city of Mobile and by providing a refund of contribution made by any member of said departments in the event of said member's death prior to said member's spouse becoming eligible for a survivor's benefit, and providing for a refund of contributions made by any member whose employment with said department is terminated prior to death; and to provide that any city employee who is transferred to the police or fire departments upon compliance with certain requirements will be given credit for all years of service with the city of Mobile on the pension roll of the Policemen and Firemen Pension and Relief Fund.

Also:

H. 890. Relating to the use of computer technology and equipment to enter, alphabetize, store, maintain, transmit electronically and generally prepare the various index records of the Probate Court of Mobile County as an alternative to the card or strip indexing system authorized by Act 460, 1957 Regular Session of the Alabama Legislature.

Also:

H. 894. Relating to Dale County; to provide for an additional expense allowance for the members of the board of equalization, board of registrars and the jury commission of said county and to provide for the number of days that the jury commission shall be in session.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 917. To provide that an idle speed zone for boats be established on a portion of Halls Mill Creek in Mobile County.

Also:

H. 953. To extend, alter, and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Also:

H. 954. Relating to Marengo County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 955. Relating to Marengo County; providing for an expense allowance for members of the Board of Education and repealing Act No. 212, H. 591, 1957 Regular Session, (Acts 1957, p. 269).

Also:

H. 956. Relating to Marengo County; providing further for the expense allowance and mileage for the chairman and members of the county board of equalization; providing such payments shall be payable from state and local funds as provided by law; and giving the provisions of the Act retroactive effect.

Also:

H. 957. To repeal Act No. 355, H. 896 of the 1969 Special Session (Acts 1969, Vol. I, p. 728), entitled, "An Act To apply only in counties having populations of not less than 27,000 nor more than 30,000; providing expense allowances for members of the county board of equalization payable from the general funds of the county; and giving the act retroactive effect."

Also:

H. 966. Relating to Fayette County; giving the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individuals or nonprofit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Also:

H. 972. Relating to Lawrence County; to allow the use of dogs and/or buck shot in shotguns in deer hunting outside of wildlife management hunting areas.

Also:

H. 973. Relating to Lawrence County; to abolish the office of license inspector; to place the powers, duties and functions of said office in the county commission of said county; to provide for the disposition of fees accruing from the performance of the duties of license inspectors; and to provide for the employees to carry out this act.

Also:

H. 974. Relating to Lawrence County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 975. Relating to Lawrence County; to authorize the county commission to hire an appraiser to conduct ad valorem tax appraisal work on behalf of the tax assessor's office; and to authorize the expenditure of funds to carry out the provisions of this act.

Also:

H. 981. Relating to Cherokee County; providing salaries for the Chairman and associate members of the Cherokee County Commission; providing for travel allowance for out of County travel for all members of the County governing body; and repealing Act No. 523 and Act No. 664 of the 1976 Regular Session.

Also:

H. 982. Relating to Cherokee County; to provide further for the expense allowance and compensation of certain county officers.

Also:

H. 983. To alter or rearrange the boundary lines of the Town of Creola, Mobile County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

Also:

H. 991. To set a penalty of a one thousand dollar fine and a six month term in jail for any person convicted of unlawfully possessing a firearm in Mobile County.

Also:

H. 997. To apply to Mobile County and require only gas utility boards organized and incorporated by a municipality to pay interest on deposits paid by customers situated within the territory served by such gas district.

Also:

H. 999. Relating to Cherokee County; to provide an expense allowance for the coroner, and to provide that such allowance shall convert to a salary increase beginning with the next term of office of the coroner.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Rep. Sandusky:

H. J. R. 251. RESOLUTION REQUESTING THAT ALL IRANIAN STUDENTS IN ALABAMA POSTSECONDARY INSTITUTIONS LEAVE THIS STATE AT THE END OF THE TERM FOR WHICH THEY ARE CURRENTLY ENROLLED.

WHEREAS, the government of Iran has illegally and violently held fifty-three members of the American Embassy staff for one hundred and seventy-eight days against their will and in violation of international law, and

WHEREAS, the bodies of eight American servicemen who bravely gave their lives in the attempt to rescue their fellow countrymen were cruelly desecrated by one of Iran's religious leaders, and

WHEREAS, hundreds of Iranian nationals are enrolled in Alabama's Junior Colleges and Senior Universities at great public expense, and

WHEREAS, no Iranian student in Alabama has spoken out against the current regime in Iran or has offered any expression of sympathy for the families of the servicemen who died in Iran, and

WHEREAS, the American people and the citizens of Alabama no longer will tolerate the citizens of any nation which insults our honorable dead,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Iranian students are no longer welcome in any publicly supported institution of higher education in this state.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Sandusky offered the motion to suspend the rules and adopt the resolution, H. J. R. 251.

DIVISION OF THE QUESTION

Rep. Hilliard called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Rep. Sandusky to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 251, and the motion was adopted.

Yeas 61; Nays 5.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holmes, Johnson (R. G.), Laird, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Penry, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Turner, Venable, Waggoner, Warren, Whatley, Williams, Willis and Wyatt.

—61

Nays: Reps.: Crow, Drinkard, Harrison, Hilliard and Starkey.

—5

On motion of Rep. Sandusky, the resolution, H. J. R. 251, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 266. To provide for the sale of non-resident commercial fishing licenses by the department of conservation and natural resources to the residents of certain other states and to require that the proceeds of such licenses be deposited in the game and fish fund of the department of conservation and natural resources.

Also:

H. 267. To amend Section 9-11-156 of the Code of Alabama 1975 which sets the penalty for conviction for violating the laws or rules and regulations governing commercial fishing in public impounded waters and navigable streams of this state, so as to increase said penalty.

Also:

H. 412. To amend Section 22-26-7 of the Code of Alabama 1975, relating to certain land subdivided for single family residences so as to provide that where said land is subdivided into parcels containing any tracts ten acres in size and larger, such size tracts shall not be subject to the requirement of taking a percolation test.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Gafford:

H. R. 252. WISHING THE CLERK OF THE HOUSE GREAT SUCCESS IN HIS NEW VENTURE.

Also:

The following resolution was introduced:

By Rep. Holmes:

H. J. R. 253. COMMENDING THE PRESIDENT OF THE UNITED STATES ON HIS EFFORTS TO RESCUE THE AMERICANS HELD HOSTAGE IN IRAN.

WHEREAS, since November 4, 1979, a group of Iranian militants have held 50 American citizens in bondage and against their will; and

WHEREAS, on April 25, 1980, after months and months of negotiations held with the Iranian government that were all to no avail, the President of the United States, Jimmy Carter, ordered a dramatic and daring military effort to rescue the Americans held hostage in Tehran; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend the President of the United States in ordering such a valiant and dangerous rescue mission.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President Jimmy Carter that he may know that we applaud his efforts on behalf of the American hostages.

The resolution, H. J. R. 253, was read and referred to the Standing Committee on Rules.

MOTION TO ADJOURN LOST

The motion offered by Rep. Goodwin that the House adjourn was lost.

Yeas 16; Nays 45.

Yeas:

Reps.: Blake, Boles, Buskey, Cheatwood, Clark (G), Clark (W), Cosby, Goodwin, Greer, Harvey, Holley, Langford, Letson, Manley, Reed and Trammell.

—16

Nays:

Mr. Speaker, Adams (C), Amari, Barton, Bennett, Bowling, Cabaniss, Carothers, Carter, Cates, Crow, Dial, Dixon, Gafford, Grimsley, Grouby, Hall, Hammett, Horn, Johnson (R. G.), McKee, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Starkey, Venable, Waggoner, Warren, Whatley, Williams, Willis and Wyatt.

—45

REGULAR SESSION
26th Day

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SPECIAL ORDER RESUMED

And the bill:

H. 305. To amend Sections 36-7-40 and 36-7-41, Code of Alabama, 1975, so as to increase from \$500.00 to \$1,000.00 the amount an employee shall be eligible to be reimbursed for job related moves or transfers.

Was taken up.

AMENDMENT OFFERED

Rep. Greer offered the following amendment to the bill, H. 305:

Amend H. 305 on page 1, line 11 by deleting the following:

\$1000.00

and substituting in lieu thereof the following:

\$750.00

Further amend H. 305 on page 1, line 19 by deleting the following:

\$1,000.00

and substituting in lieu thereof the following:

\$750.00

MOTION TO POSTPONE TABLED

On motion of Rep. Campbell, the motion offered by Rep. Holmes to postpone consideration of the bill, H. 305 with pending amendment, to the twenty-seventh legislative day, was tabled.

Yeas 41; Nays 18.

Yeas:

Reps.: Barton, Bennett, Blake, Bowling, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Hammett, Harvey, Johnson (Roy), McKee, McMillan, Naramore, Olive, Owens, Patton, Pegues, Ray, Roberts, Sasser, Shoemaker, Smith (J), Starkey, Venable, Ward, Warren, Willis, Wyatt and Zoghby.

—41

Nays:

Reps.: Albright, Bedsole, Buskey, Clark (W), Greer, Hall, Harper (T), Harrison, Hilliard, Holley, Holmes, Jackson, Langford, Letson, Rains, Seibels, Smith (C) and Turnham.

—18

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Greer to the bill, H. 305, and the amendment was adopted.

Yeas 45; Nays 13.

Yeas:

Reps.: Albright, Bedsole, Bennett, Blake, Bowling, Cabaniss, Carter, Clark (W), Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Goodwin, Greer, Hall, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Jackson, Kennedy, Langford, Letson, Lewis, Moore, Naramore, Patton, Rains, Roberts, Seibels, Shavers, Smith (C), Smith (J), Starkey, Stout, Trammell, Venable, Willis, Wyatt and Zoghby.

—45

Nays:

Reps.: Adams (H), Barton, Campbell, Cates, Dixon, Hines, Johnson (Roy), McKee, Olive, Ray, Sasser, Turnham and Warren.

—13

And the bill:

H. 305. To amend Sections 36-7-40 and 36-7-41, Code of Alabama, 1975, so as to increase from \$500.00 to \$750.00 the amount an employee shall be eligible to be reimbursed for job related moves or transfers.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70: Nays 8.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grouby, Harper (O), Harvey, Hilliard, Hines, Horn, Jackson, Johnson (R. G.), Johnson (Roy), Langford, Letson, Lewis, McKee, Manley, Minus, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Trammell, Turnham, Venable, Ward, Warren, Willis, Wyatt and Zoghby.

—70

Nays:

Reps.: Clark (W), Grimsley, Hall, Harrison, Holley, Holmes, Rains and Williams.

—8

MOTION TO ADJOURN LOST

The motion offered by Rep. Holley that the House adjourn, was lost.

Yeas 29; Nays 50.

Yeas:

Reps.: Boles, Buskey, Campbell, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Goodwin, Gregg, Harvey, Hilliard, Holley, Holmes, Horn, Howard, Johnson (Roy), Langford, Letson, Lewis, Reed, Roberts, Stout, Trammell and Tucker.

—29

Nays:

Reps.: Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Bowling, Cabaniss, Carothers, Cates, Cosby, Dial, Dixon, Drinkard, Ford, Gafford, Greer, Grimsley, Grouby, Hall, Harper (T), Hines, Jackson, Johnson (R. G.), Kennedy, Laird, McKee, McMillan, Minus, Naramore, Olive, Owens, Patton, Pegues, Rains, Ray, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Turnham, Venable, Warren, Williams, Willis Wyatt and Zoghby.

—50

MOTION TO RECESS LOST

The motion offered by Rep. Albright that the House recess until 7:30 o'clock p.m., was lost.

SPECIAL ORDER RESUMED

And the bill:

H. 904. To amend Section 32-6-4, Code of Alabama 1975, as amended to increase fee from ten to fifteen dollars for a four-year driver license or identification card.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 29.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Bowling, Cabaniss, Carothers, Cates, Clark (G), Clark (W), Cobb, Cosby, Daniels, Dixon, Drinkard, Greer, Hammett, Harper (T), Hilliard, Hines, Holley, Horn, Jackson, Laird, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Starkey, Trammell, Venable, Williams and Zoghby.

—45

Nays:

Reps.: Adams (C), Albright, Boles, Buskey, Campbell, Carter, Cheatwood, Cooley, Crow, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harrison, Harvey, Johnson (Roy), Kennedy, Langford, Lewis, Payne, Rains, Smith (C), Turnham, Ward, Warren, Whatley and Wyatt.

—29

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Penry offered the motion to reconsider the vote by which the bill, H. 284 as amended, was postponed to the twenty-eighth legislative day, and the motion to reconsider was adopted.

Yeas 49; Nays 37.

Yeas:

Mr. Speaker, Amari, Bedsole, Cabaniss, Campbell, Carothers, Carter, Clark (G), Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Hines, Johnson (R. G.), Letson,

Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Patton, Payne, Pegues, Penry, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Venable, Waggoner, Whatley, Williams and Zoghby.

—49

Nays:

Reps.: Adams (C), Adams (H), Albright, Barton, Bennett, Boles, Buskey, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Drinkard, Ford, Goodwin, Hall, Harrison, Hilliard, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Laird, Langford, Nevett, Rains, Ray, Riddick, Starkey, Stout, Trammell, Tucker, Turner, Turnham and Wyatt.

—37

AMENDMENT OFFERED

Rep. Albright offered the following amendment No. 2 to the bill, H. 284 as amended:

Amend Substitute for House Bill 284, Page 1, Section 1, Line 35, after the period by adding the following: Any such monies contributed by any such agency, corporation or their agents must be funds contributed by officers, stockholders or employees of such corporation or agency. No corporate funds whatsoever shall be used for contributions under this Act.

AMENDMENT LOST

And the amendment was lost.

Yeas 40; Nays 44.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bennett, Boles, Buskey, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Drinkard, Ford, Goodwin, Greer, Hall, Harrison, Hilliard, Holley, Horn, Jackson, Johnson (Roy), Kennedy, Langford, Nevett, Rains Riddick, Seibels, Smith (C), Starkey, Stout, Trammell, Tucker, Turnham, Williams, Willis and Wyatt.

—40

Nays:

Mr. Speaker, Adams (H), Bedsole, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cosby, Dial, Dixon, Edwards, Gafford, Grimsley, Hammett, Harper (O), Harper (T), Hines, Laird, Letson, Lewis, McKee, McMillan, Manley, Moore, Olive, Owens, Patton, Payne, Pegues, Penry, Reed, Roberts, Sasser, Shavers, Shoemaker, Smith (J), Smith (M), Venable, Waggoner, Ward, Whatley and Zoghby.

—44

S. 194 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, S. 194, from the Standing Committee on Insurance to the Standing Committee on Ways and Means.

S. 247 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, S. 247, from the Standing Committee on Judiciary to the Standing Committee on State Administration.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 116. To provide further for the disposition of surplus state property; to provide that such property shall be screened by the Forestry Commission for use by volunteer fire departments; to provide for the transfer or loan of such property for fire protection purposes; and to provide panalties for violations.

Also:

H. 144. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-120—11-44-140, Code of Alabama, 1975, to fix the salaries of all commissioners at least six months before the next election of any commissioner and to amend § 11-44-129, Code of Alabama, 1975.

Also:

H. 235. To amend Sections 4 and 6 of Act No. 79-441, H. 203, Regular Session 1979, which provides for the Historical Preservation Authorities Act of 1979, so as to further provide for the election and terms of the members of the Board of Directors; to provide for notice to the governing body relative to appointments of directors, and to provide for notice to certain governing bodies of the applicants for formation of a public corporation authority for historical preservation, in an area comprising two or more counties.

Also:

H. 265. To repeal Section 11-51-99, Code of Alabama, 1975, which limits the amount of license a municipality may levy on vending and weighing machines.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 266. To provide for the sale of non-resident commercial fishing licenses by the department of conservation and natural resources to the residents of certain other states and to require that the proceeds of such licenses be deposited in the game and fish fund of the department of conservation and natural resources.

Also:

H. 267. To amend Section 9-11-156 of the Code of Alabama 1975 which sets the penalty for conviction for violating the laws or rules and regulations governing commercial fishing public impounded waters and navigable streams of this state, so as to increase said penalty.

Also:

H. 412. To amend Section 22-26-7 of the Code of Alabama 1975, relating to certain land subdivided for single family residences so as to provide that where said land is subdivided into parcels containing any tracts ten acres in size and larger, such size tracts shall not be subject to the requirement of taking a percolation test.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Bills hereinafter mentioned delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:55 P.M. on April 29, 1980.

H. 585

H. 797

H. 827

H. 839

H. 902

H. 903

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H. 908

H. 938

H. 939

H. 940

H. 941

H. 942

H. 943

H. 41

H. 58

H. 61

H. 142

H. 143

H. 320

H. 776

Delivered to the Governor at 5:15 P.M. on April 29, 1980.

H. 49

H. 69

H. 193

H. 236

H. 409

H. 525

H. 527

H. 684

H. 722

H. 801

H. 831

H. 832

H. 848

H. 857

H. 875

H. 890

H. 894

H. 917

H. 953

H. 954

H. 955
H. 956
H. 957
H. 966
H. 972
H. 973
H. 974
H. 975
H. 981
H. 982
H. 983
H. 991
H. 997
H. 999

Delivered to the Governor at 5:45 P.M. on April 29, 1980.

H. 116
H. 144
H. 235
H. 265
H. 266
H. 267
H. 412

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Ford and pursuant to the resolution, H. R. 243, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, May 1, 1980.

Yeas 47; Nays 35.

Yeas:

Reps.: Albright, Amari, Blake, Boles, Buskey, Campbell, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Dial, Drinkard, Edwards, Goodwin, Greer, Hall, Harper (O), Harvey, Hilliard, Holley, Horn, Howard, Jackson, Johnson (Roy), Laird, Langford, Letson, Lewis, Manley, Nevett, Patton, Payne, Pegues, Reed, Riddick, Roberts, Sasser, Stout, Tucker, Turner, Waggoner, Whatley and Williams.

—47

Nays:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Cabaniss, Carothers, Carter, Cates, Grimsley, Grouby, Hammett, Harper (T), Hines, Johnson (R. G.), McKee, Minus, Naramore, Olive, Owens, Penry, Rains, Ray, Sandusky, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Turnham, Venable, Warren, Willis, Wyatt and Zoghby.

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TWENTY-SEVENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, May 1, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Mr. John H. Hill, Ruling Elder, First Union Presbyterian Church, Luling, Louisiana.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-sixth legislative day and finds the same to be correct.

LEIGH PEGUES,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the twenty-sixth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-sixth legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 254. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Thursday, May 1, 1980, we adjourn to meet again on Tuesday, May 6, 1980, at 1:00 P.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 254, was adopted.

LEAVE OF ABSENCE

At the request of Rep. Naramore, leave of absence was granted for Rep. Brakefield, due to illness.

At the request of Rep. Bedsole, leave of absence was granted for Rep. Parker, due to illness.

BILLS ON SECOND READING

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 483. To amend sections 12-17-92 and 12-17-112, Code of Alabama 1975, relating to the compensation of circuit clerks and registers, so as to provide a minimum annual salary for such officials.

H. 816. To amend Section 1 of Act No. 600, H. 1134 of the 1977 Regular Session (Acts 1977, Vol. II, p. 805), which act provides a pay increase for any law enforcement officer who has full peace officer authority, so as to extend eligibility to security and safety officers of the mental health department and to provide that such increases for such officers shall be paid from the mental health fund in the state treasury.

H. 1111. To further amend Section 9-16-34(23) of the Code of Alabama 1975, as amended, to provide for the continued enforcement of the interim regulations promulgated under Section 502 of the federal Surface Mining Control and Reclamation Act of 1977 (Pub.L. 95-87).

S. 89. To amend the title and section 1 of Act No. 79-611, H. 239, 1979 Regular Session (Acts 1979, p. 1081), now appearing in Section 36-27-15.2, Code of Alabama 1975, relating to the granting of creditable service in the retirement systems for service out-of-state, so as to provide for the transfer from the teachers' retirement system to the employees' retirement system and vice versa.

S. 109. To provide for an examination fee of three dollars (\$3.00) prior to testing for driver license, temporary instruction and learner's permits, and motor driven cycle operators license.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 194. (With Substitute): To amend Code of Alabama 1975, § 41-15-1 to authorize city and county boards of education or district boards of education of independent school districts to insure school buildings and property either in the state insurance fund or an insurance company, whichever, in the opinion of such board provides the best coverage for such school buildings and property, and to require adequate coverage of buildings and property.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 246. To amend Section 40-12-250, Code of Alabama 1975, which provides for special license plates for motor vehicles owned and used by the state, county or municipality, so as to change the lettering on vehicles owned by municipal corporations or municipal boards.

S. 339. To provide for a minimum salary for certain probate judges.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 360. (With Amendment): To amend Section 36-30-2, Code of Alabama 1975, which compensates survivors of firemen and peace officers killed in the line of duty, so as to extend the eligibility period.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 399. To provide for the granting of up to five years creditable service under the teachers' retirement system of Alabama for service rendered in certain private schools in Alabama; to provide for the methods and procedures to calculate the member contributions required to purchase such credit and the conditions for eligibility; and to provide that the member shall pay the total cost for such credit.

S. 401. To amend Code of Alabama, 1975, § 16-13-52, to authorize the State Superintendent of Education to approve an alternate four month reporting period of student attendance for the purpose of determining the number of teachers earned under the minimum program formula.

S. 434. To amend Section 44-1-51, Code of Alabama 1975, which relates to the membership of the Youth Services Board, so as to increase the membership.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 453. (With Substitute): To amend section 12-17-61, Code of Alabama 1975, relating to the number of district court judges, so as to provide two district court judges for Tuscaloosa County, two judges for Cullman County, two judges for Marshall County, and to provide for the appointment of such additional district judges, and to provide for the appropriation for such additional district judges.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 456. To amend Section 15-22-2 of the Code of Alabama 1975 which relates to the contributions by parolees and probationers towards the cost of supervision and rehabilitation so as to increase the required contribution amount that must be made by parolees and probationers and exempt from payment certain hardship cases.

S. 484. To amend Section 4-3-47 of the Code of Alabama 1975, relating to airport authorities, so as to further provide for the powers of such authorities.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 507. (With Amendment): To adjust salaries of Alabama State Troopers to bring those salaries to a level equaling the compensation received by Alabama state law enforcement personnel of other state agencies; to appropriate money to implement this act and to repeal conflicting law.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 535. To amend further Section 41-9-43 of the Code of Alabama, 1975, relating to the Alabama state council on the arts and humanities, so as to bring the employees of such council under the provisions of the Merit System Act and State Employees' Retirement System; and to make certain exceptions.

S. 542. To amend Section 37-3-4 of the Code of Alabama 1975, known as the Alabama Motor Carrier Act, so as to provide that any motor carrier who transports property exclusively by open top dump trucks and trailers without pneumatic loading and unloading devices shall be exempt from those provisions of the Motor Carrier Act which provide for the filing of tariffs, schedules or contracts or the establishment of rates and to provide that all carriage by such vehicles be conducted pursuant to an otherwise lawful agreement.

S. 553. To provide further for certain funds of the state treasury; to provide further for surpluses in certain trust funds within the state treasury; to exempt other trust funds; to transfer such surplus funds undesignated, uncommitted, unencumbered and unappropriated, to the state parks fund of the state treasury for the purpose of emergency-crisis use in repairing the facilities at Gulf State Park damaged by Hurricane Frederic; to provide how such transfers shall be made; and to provide for the replacement of such funds so transferred upon receipt of funds from the Federal Emergency Management Agency.

S. 573. To amend Section 41-9-450 of the Code of Alabama 1975, relating to the Sports Hall of Fame Board, so as to further provide for membership on the board.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 965. To provide for and set penalties for anyone threatening death or bodily harm to any elected or constitutional official of the State of Alabama or any elected official of any municipal, county, or political subdivision thereof, or conspiring with another to threaten death or bodily harm to any elected or constitutional official of the State of Alabama.

S. 57. To amend Section 31-2-92, Code of Alabama 1975, to allow for the institution of courts-martial proceedings after the expiration of the duty assignment during which the offense occurred.

H. 1002. To amend Section 9, Act No. 620, H. 711, Acts of Alabama, Regular Session 1978, so as to provide that the governing body as defined in said Act, may by resolution, add to the court costs in civil and criminal cases in the circuit, district and municipal courts, a fee, not to exceed \$5.00, which would be charged and collected as other court costs in such cases and used by said governing body to provide funds to support the public corporation established by said act.

S. 238. To amend Section 36-9-2 of the Code of Alabama 1975, so as to provide for the vacation of public offices upon the conviction of certain crimes instead of at the time of sentencing.

S. 510. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State adopted during the 1979 sessions of the Legislature as contained in the 1979 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such supplement; and to adopt and incorporate into the Code of Alabama 1975 all laws as contained in the 1977 Blue Paperback Pamphlet of Title 13A, known as the "Alabama Criminal Code," as amended, and the 1979 Cumulative Supplement thereto, and to make certain corrections in such pamphlet and supplement.

S. 126. To allow recipients to retain for their own use unsolicited merchandise received through the mails or by common carrier.

S. 196. To amend Section 25-4-16, Section 25-4-74, Section 25-4-78, Section 25-4-91, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act to redefine "wages" to include back pay awards; to distribute such payments over the period covered by such payments; to describe the effect receipt of such payments shall have on the receipt of benefits and to permit a claim to be reopened and redetermined after the end of the benefit year if the original determination was based upon false or misrepresented information.

S. 197. To amend Section 25-4-5, Section 25-4-10, Section 25-4-53, Section 25-4-113, Section 25-4-118, Section 25-4-141 and Section 25-4-145, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to remove provisions covering certain participants in federally funded programs; to redefine the definition of "educational institution"; to provide for punishment by fine and/or imprisonment for failure to hold in trust contributions deducted from employees; to provide employees immunity from civil suits for acts performed in their official capacity except for wanton or malicious conduct; to permit disclosure of information to welfare officials in performance of official duties in connection with aid to families and dependent children and with restriction, for economic analysis; to remove requirement for an individual to testify even if testimony might be self-incriminating; to increase, upon conviction of violation of code requirements, maximum fine from \$250 to \$500 and maximum length of imprisonment from 3 months to 12 months; to increase statute of limitations for conviction for violations from 2 to 3 years and to establish procedures for the collection of overpayment of benefits.

H. 1086. To amend Section 11-18-21, Code of Alabama 1975, relating to condemnation of land by a county, so as to permit counties to condemn land for industrial development parks.

H. 1076. To establish the "Protection from Abuse Act"; to provide for proceedings to bring about the cessation of abuse from a family violence disturbance; to provide for hearing, and including the following: injunctive relief directing defendant to refrain from abusing plaintiff, temporary orders of relief granting possession to the plaintiff of a residence or household to the exclusion of defendant, the awarding of temporary custody of and/or temporary visitation rights regarding minor children, temporary support for plaintiff and/or minor children, and emergency relief in an ex parte proceeding; and to provide that the defendants in such proceedings shall have the same rights, remedies and due process, where any wrongful action is instituted, as any defendant in other civil and criminal action.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 367. (With Substitute): To prescribe that the willful or malicious or intentional burning or setting fire to, or the causing of such burning or setting such fire to any forest, grass or woodland not owned or in the possession of the person doing or causing such actions is a Class C felony; and to prescribe penalties therefor.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 3. (With Substitute) (With Amendment): To be known as the Keener Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the establishment and maintenance of a joint legislative committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this act; and repealing all laws that conflict with this Act.

Rep. Shoemaker, Vice-Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 250. (With Amendments): To prescribe that the name, address, case records, payments and services to any recipient of public assistance or welfare, except those records of adopted or foster care children, shall be deemed a public record; to require that the Commissioner of Pensions and Security be responsible for making such records available upon the request of any citizen; to require the state department of pensions and security to pay any legal fees and costs for any person who must petition the court to obtain such records; to amend Section 38-2-6 of the Code of Alabama, 1975, so as to remove the confidentiality of such records; and to repeal conflicting laws.

Rep. Shoemaker, Vice-Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 501. To amend Sections 36-26-6 and 36-26-27 of the Code of Alabama 1975 so as to further prescribe hearing procedures for the dismissal and disciplining of state employees when such actions are initiated by the appointing authority.

S. 436. To amend Section 6 of Act No. 79-797, H. 225, 1979 Regular Session (Acts 1979, p. 1455) now appearing as Section 32-6-65, Code of Alabama 1975, and Section 40-12-270, Code of Alabama 1975 so as to provide for the disbursement of the penalty fee assessed for late registration of a motor vehicle directly into the county general fund.

S. 193. To amend Sections 25-8-2, 25-8-5, 25-8-9, 25-8-11, 25-8-14, 25-8-16, 25-8-18, 25-8-23, 25-8-26, 25-8-28, and 25-8-30 of the Code of Alabama 1975, relating to the child labor law, so as to regulate further the employment of certain children and to prescribe additional penalties for violations.

S. 318. To establish the Alabama Human Resources Board to utilize all available manpower in the state; to provide for the membership of the board, to authorize the board to assign employable persons who receive public assistance to public works projects; to authorize the Commissioner of Pensions and Security to submit names of said persons; to establish the compensation of said persons; to provide for penalties for failure to do the assigned work; to establish criteria for those exempt from the program and provide for periodic review by the Department of Pensions and Security.

S. 346. To amend Sections 41-10-20 and 41-10-27 of the Code of Alabama 1975, as amended by Act No. 99, H. 23 of the 1978 Second Special Session (Acts 1978, Vol. III, p. 1807), relating to the terms and conditions for grants made by the state industrial development authority, so as to further provide for the authority and criteria for making grants and to include certain airport authorities within the definition of grantee.

S. 107. To establish the "Alabama Correctional Incentive Time Act"; to provide for earned deductions from penitentiary and hard labor sentences and to establish certain criteria therefor; to create classifications for measurement of such deductions and eligibility therefor; to require minimum sentences prior to parole eligibility; therefor; to require minimum sentences prior to parole eligibility; to authorize the commissioner of the department of corrections to restore certain portions of such deductions lost; to authorize the commissioner to issue, promulgate and implement such rules and regulations necessary to implement the provisions of this act; to specifically repeal Sections 14-9-1, 14-9-2, 14-9-4, 14-9-20, 14-9-21, 14-9-22, 14-9-23, 14-9-24 and 14-9-25 of the Code of Alabama 1975, and all laws or parts of laws conflicting with this act; to make certain exemptions from the provisions of this act for those persons presently serving as inmates in the penitentiary or at hard labor and for those who are convicted for crimes committed prior to the effective date of this act, so as to provide that such prisoners shall earn deductions from sentences as presently provided by law; and to provide habitual offenders shall not be eligible for any deductions from sentences.

Rep. Shoemaker, Vice-Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 286. (With Amendments): To enact into law the "Alabama Energy Management and Conservation Act of 1980"; to make a legislative finding that the development, management and efficient use of energy resources requires a comprehensive and coordinated effort on the part of the state; to create an Alabama Department of Energy within the executive branch to be administered by a director to be appointed by the Governor; to prescribe the Department's duties which are to formulate a state energy policy, to report regularly to the Governor and annually to the legislature, to inventory the state's energy requirements and supplies; to formulate a state energy management program, to formulate an energy emergency plan, to monitor and/or administer energy related programs, to serve as an energy information clearinghouse, to keep proprietary information confidential, to administer educational and training programs, to review state government energy practices, to assist state institutions when applying for energy related contracts, to review the state's revenue-producing practices for their impact on energy use and development, to provide for research, to receive federal and private funds, to enter into contracts, and to promulgate rules requiring the submission of energy related information, and to ensure energy conservation in state government, and to establish advisory groups; to create an Energy Advisory Council for purposes of evaluating state energy policy and advising the department; to provide for the assumption of the Energy Management Boards' funds and contract; to provide for funding through appropriations from the general fund; and to prescribe sanctions for persons violating the provisions of the act.

Rep. Shoemaker, Vice-Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 341. (With Substitute): To propose an amendment to Article XIV, Section 264 of the Constitution of Alabama of 1901, to increase the number of trustees of the University of Alabama and to provide for their election.

The above bill was read a second time at length as required by the Constitution.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1009. (With Amendment): To allow any licensed barber of this state to elect to be licensed by the Alabama board of cosmetology under the provisions of Title 34, Chapter 7 of the Code of Alabama 1975, and thereafter to be subject to all the rules and regulations promulgated thereunder.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 587. To amend Sections 34-20-4, 34-20-7 and 34-20-13 of the Code of Alabama 1975, relating to the board of examiners of nursing home administrators so as to alter the composition of the board, provide for an annual license fee, and provide for an annual audit.

S. 36. To amend Section 22-21-77 of the Code of Alabama 1975, so as to further provide for the powers of county hospital boards and corporations.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 533. (With Substitute): To provide that a legal licensed lending institution, a vendor making credit sales or leases, any financial institution operating in Alabama or any individual may charge and collect a maximum allowable interest rate, and to provide for the termination of its provisions.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 490. To amend Section 8-16-94, Code of Alabama 1975, pertaining to minimum weights of certain commodities when said commodities are sold by bushel or barrel; to allow said commodities to be sold at the weight per bushel or barrel as is generally recognized in the present-day marketplace; to allow the State Board of Agriculture and Industries to set minimum weights per bushel or barrel for certain commodities when present marketing practices so dictate.

Rep. Johnson (Roy), Vice-Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 210. To amend Title 11, Code of Alabama, 1975 relating to the creation, composition, duties and authority of the county commissions of Alabama; and to specifically amend the following sections: § 11-3-1, relating to creation, composition, election and term of commissioners; § 11-3-4, relating to compensation of commissioners; § 11-3-7, relating to the quorum for county commission meetings; § 11-3-8, relating to regular meetings of the county commission; § 11-3-9, relating to special meetings of the county commission; § 11-3-18, relating to proceedings at meetings of the county commission; § 11-3-19, relating to the appointment of a special clerk; § 11-3-20, relating to the determination of matters where the county commission is divided, prescribing duties for the chairman of the county commission; § 11-4-23(5), relating to the treasurer providing a statement of moneys received; § 11-10-2, relating to tax anticipation loans; § 11-12-4, relating to claims and demands against the county; § 11-12-13, relating to lights and fuel for sessions of court and county commission; § 11-14-2, relating to custody of county property; § 11-14-9, relating to custody and maintenance of the courthouse; § 11-14-19, relating to special meetings of the county commission to make appropriations for jail; and § 11-14-22, relating to the examination of jails.

S. 505. To amend Section 22-51-8 of the Code of Alabama 1975, relating to boards of directors of regional mental health facilities, so as to provide further for the composition of such boards.

H. 1136. To alter or rearrange the boundary lines of the City of Hoover, Jefferson County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Jefferson and Shelby County, Alabama, to provide for an election by residents of the territory to be annexed, and to expressly provide that nothing herein contained shall amend, alter or re-arrange the present boundary line between Jefferson and Shelby Counties, nor annex any public school property owned by the Shelby County Board of Education.

Rep. Gilmer, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 8. To amend Section 32-10-8 of the Code of Alabama 1975, so as to require the social security number of drivers involved in accidents or charged with a moving vehicle violation on the uniform accident report form or citation.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 513. Prescribing a certain county salary supplement for each circuit judge in the sixteenth judicial circuit; providing that such supplement shall be in lieu of all other expense allowances and salary supplements heretofore provided by law for such judges and providing that such supplements shall be paid in equal monthly installments from the general fund of the county within said circuit.

S. 558. To repeal Act No. 614, H. 1117, 1978 Regular Session (Acts 1978, p. 872), entitled, "An Act To increase the salaries of certain officials of Cullman County and to provide for the manner of their payment."

S. 576. Relating to Lowndes County; authorizing the County Commission to levy an additional privilege or license tax on persons, firms and corporations, selling, distributing or delivering malt or brewed beverages to retailers in Lowndes County; providing for the assessment, collection and distribution of the proceeds of the tax; authorizing the adoption and promulgation of rules and regulations therefor by the county commission of said county; defining violations of the act and prescribing penalties therefor.

H. 1101. Relating to Chilton County; providing for an additional expense allowance for the county treasurer.

H. 1102. Relating to Cleburne County; providing further for the compensation of election officials.

H. 1103. Relating to Coffee County; providing further for the establishment and composition of the county jury commission and repealing Act No. 571, S. 468, 1953 Regular Session (Acts 1953, p. 813).

H. 1104. Relating to Macon County; increasing the salaries of the deputies sheriff and other employees of the sheriff's department.

H. 1106. To repeal Act No. 250, H. 874 of the 1975 Regular Session (Acts 1975, p. 783), relating to Shelby County, entitled "An Act To prohibit the probate judge or any other official or any employee of Shelby County from selling, lending, giving, or otherwise disposing of a computer printout of the list of registered voters of Shelby County."

H. 1107. Relating to Tuscaloosa County, to provide for the taxing and collecting of certain court costs for remodeling courtrooms and judges' chambers.

H. 1108. Relating to Tuscaloosa County to amend Sections 2, 18, 23, 25, 27 and 29, of Act No. 328, H. 854 (Acts 1959, p. 907, Vol. 2), as last amended, which bill relates to the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, Alabama, fixing maximum benefits for firemen or policemen retiring for disability arising as a result of service in the department, fixing maximum benefits to be paid to dependents of members, increasing the limitation on the amount of pension benefits to be paid under the act, providing for the manner of determining the pension and deleting the provision that pensions shall increase or decrease in accordance with the increase or decrease of salaries of active members of the department, providing that no pension presently being paid shall be decreased by the provisions of this act, and defining the term "salary".

H. 1109. To extend, alter, and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

H. 1110. Relating to Winston County; to provide further for the compensation of the county jury commission.

H. 1113. To repeal Act No. 260, H. 879, approved April 26, 1977, Regular Session 1977 (Acts 1977, p. 346), entitled "An Act Relating to counties having a population of not less than 21,000 nor more than 22,000 according to the 1970 or any subsequent federal decennial census; to provide further for the salary and expense allowance of the superintendent of education".

H. 1114. Relating to Lauderdale County; amending Act No. 79-107, H. 171, 1979 Regular Session, (Acts 1979, p. 129) entitled "An Act Relating to Lauderdale County; to create the office of County License Commissioner in said county; to prescribe the manner of appointment, term, compensation, duties and realm of authority of said commissioner; to prescribe more convenient and efficient procedures for assessment and collection of certain taxes and the issuance of licenses by said commissioner; to abolish the office of County License Inspector and transfer the duties of said office to the County License Commissioner; to transfer certain duties now performed by the tax assessor and tax collector to said commissioner; to prescribe fees, charges and commissions which may be collected by said commissioner pursuant to this Act; to provide for the disposition of the proceeds thereof and to require certain reports relative thereto," so as to provide further for the duties of said commissioner.

H. 1116. Relating to Walker County; amending Sections 5, 6, 7 and 14 of Act No. 200, H. 120, 1969 Special Session (Acts 1969, p. 263) relating to the county civil service system, so as to provide further for the appointment, compensation and duties of the Civil Service Board.

H. 1117. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

H. 1118. An Act, to alter, rearrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

H. 1119. To provide for the transfer of contributions and creditable service from Clerks and Registers Supernumerary Fund, State of Alabama, for the Clerk of the Circuit Court of Lowndes County, Alabama, should he so elect; to provide that the Clerk of the Circuit Court of Lowndes County, Alabama, if he so elects, may be exempt from the Clerks and Registers Supernumerary Fund, and such service as Clerk may be under the Employees' Retirement System of Alabama.

H. 1120. Relating to Lauderdale County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services.

H. 1121. Relating to Lauderdale County; providing that due to the provisions of Section 12-17-92, Code of Alabama 1975, any salary increase paid to circuit judges shall automatically result in a supplemental salary increase for the circuit clerk and providing for the retroactive effect.

H. 1122. Relating to Walker County; to provide for the City of Sumiton in Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

H. 1123. Relating to Geneva County; to provide further for the salary and expense allowance of the superintendent of education.

H. 1129. Relating to Coosa County; providing for the creation of a county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; and providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county.

H. 1128. Relating to Coosa County; providing for an additional allowance for election officials who work at polling places.

H. 1130. Relating to Coosa County; to relieve the judge of probate from charging a fee when celebrating the rites of matrimony; and to provide that any such fee when charged by the judge of probate may be retained by him.

H. 1131. To empower and direct the County Commission in DeKalb County to create a personnel system to govern all regular, full-time employees of the County Highway Department and such other class or classes of regular, full-time county employees as the County Commission shall determine; to establish the powers and duties of said County Commission in hiring, transferring, compensating, classifying, promoting, demoting, training and establishing rules of general conduct for such County employees; to direct the County Commission to establish a grievance procedure for all regular, full-time employees of the County Highway Department; to empower and direct said County Commission to establish a Personnel Review Board; to provide for the powers, duties, qualifications, and compensation of said Personnel Review Board.

H. 1132. Relating to DeKalb County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body

to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of DeKalb County; and to prohibit the performance of certain work on private property and provide penalties for violations.

H. 1133. To provide an expense allowance for the circuit court register in DeKalb County.

H. 1134. Relating to DeKalb County to provide disbursement of funds received by DeKalb County paid in lieu of taxes by the Tennessee Valley Authority; to provide for a custodian of such funds; to provide for investment and disbursement of such funds and to provide the method under which such disbursements shall occur.

H. 1135. Relating to DeKalb County; to provide further for the powers and duties of the county commission; and to ratify and confirm certain expenditures heretofore made to the custodian of voting machines.

H. 1140. Relating to Randolph County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

H. 1141. Relating to Morgan County; providing for the allocation, apportionment and distribution of certain highway gasoline taxes received by the county, contingent upon certain allocations to Morgan County from the state; and providing an effective and expiration date for the provisions of the act.

H. 1143. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 685. Proposing an amendment to Constitutional Amendment CCCLI which was proposed by Act No. 545, Regular Session, 1975, and proclaimed ratified by the Governor of Alabama on January 22nd, 1976, as amended, relating to the authorization of the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitos, rodents and other vectors of public health and welfare significance.

The above bill was read a second time at length as required by the Constitution.

H. 1105. Relating to Mobile County; providing an election officers' school in each State Senate District.

H. 1144. To amend further Section 1 of Act No. 440, S. 186, Special Session 1966 (Acts 1966, p. 597) relating to the Sheriff's Department and counties having populations of not less than 300,000 nor more than 500,000.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1115. Relating to Franklin County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services.

H. 1124. To authorize and direct the Tallapoosa County Commission to appropriate the accumulation of the beer tax levied by Act No. 147, H. 572 of the 1969 Regular Session (Acts of 1969, p. 420) and distribute it within the county.

H. 1125. Relating to Tallapoosa County; to amend Section 2 of Act No. 32, S. 62, Regular Session 1967 (Acts 1967, p. 363), relating to compensation for members of the board of registrars, so as to regulate further said supplement; and to provide for retroactive effect.

H. 1126. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Tallapoosa County.

H. 1127. Relating to Talladega County; to provide further for the compensation of election officers.

H. 1137. Relating to Covington County; to provide for a clerk to the tax assessor and a clerk to the tax collector; to provide for fixing the salaries of such clerks as the amount specified as the federal minimum wage; and provide for the method of payment of same.

H. 1138. Relating to Covington County; to provide that in lieu of the former arrangement of paying both monthly expense allowances, mileage and salary for the Covington County governing body, the monthly remuneration of each member of said county governing body shall instead be a salary of \$900.00 per month, payable out of the county treasury; to provide that Act No. 900, H. 1674 of the 1971 Regular Session (Acts 1971, p. 1663), providing for reimbursement of the members of the county governing body for expenses incurred outside of the county and in attending meetings in the performance of their duties shall not be repealed hereby; to repeal conflicting laws; and to provide for an effective date.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 255. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business May 1, 1980, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Rep. Barton:

H. 709. p. 97 Tax Assessors and Tax Collectors, fees

By Rep. Owens:

H. 1033. p. 28S Federal programs

By Rep. Owens:

H. 1034. p. 30S Federal programs

By Rep. Manley:

H. 630. p. 87 Strip Mining

By Rep. Zoghby:

H. 1077. p. 25S Franchise tax, domestic corporations

By Rep. Dixon:

H. 1099. p. 35S St. Bd. of Education, Speaker & Lt. Gov.

By Rep. Owens:

H. 432. p. 27 Civil Air Patrol

By Rep. Kelley:

H. 518. p. 64 Retainage of contractors

By Rep. Carothers:

H. 937. p. 162 Rutherford Relief Bill

By Rep. Dixon:

H. 752. p. 112 UAB, Opthamology

By Rep. McKee:

H. 56. p. 160 pay, PSC

By Rep. Greer:

H. 125. p. 56 Pensions & Security

By Rep. Gregg:

H. 780. p. 35 Pawn shops

By Rep. McMillan:

H. 642. p. 96 Air boats

By Rep. Lewis:

H. 4. p. 33 Public housing

By Rep. Sasser:

H. 201. p. 9 Jury Strike System

By Rep. Sasser:

H. 202. p. 9 Jury Strike System

By Rep. Waggoner:

H. 843. p. 113 Bank investors

By Rep. McKee:

H. 170. p. 25 Forest seeds and seedlings

By Rep. Venable:

H. 209. p. 46 Making taking marijuana to prisons a felony

By Rep. Shoemaker:

H. 813. p. 107 Finance Department, telephone account

By Rep. Shoemaker:

H. 814. p. 153 Finance Department, janitor account

By Rep. Shoemaker:

H. 310. p. 24 Child Labor Law

By Rep. Cabaniss:

H. 189. p. 53 Mobile home standards

By Rep. Cabaniss:

H. 185. p. 18 Perjury to Insurance Department

By Rep. Cabaniss:

H. 179. p. 15 Surplus note bill

By Rep. Cabaniss:

H. 178. p. 14 Repeal publication of agents

By Rep. Naramore:

H. 398. p. 161 Merit system

By Rep. Gafford:

H. 686. p. 59 Alimony

By Rep. Bennett:

H. 19. p. 17 Elections

By Mr. Mitchem:

S. 466. p. 125 Air Pollution Control

By Rep. Stout:

H. 555. p. 43 Governing bodies

By Rep. Bedsole:

H. 487. p. 20 Medicaid Fraud

By Rep. Naramore:

H. 739. p. 79 Pistol permits

By Rep. Ford:

H. 861. p. 97 License plates

By Rep. Smith (J):

H. 612. p. 74 Tax Assessors

By Rep. Bedsole:

H. 489. p. 20 Medicaid Fraud

By Rep. Seibels:

H. 521. p. 137 Bingo

By Rep. Campbell:

H. 456. p. 129 Student loan

By Rep. Mitchell:

H. 300. p. 52 Department of Toxicology

By Mr. Vacca:

S. 77. p. 2S Alabama liquefied petroleum gas board

By Mr. Britnell:

S. 1. p. 23 Cost of living

By Rep. Harper (T):

H. 714. p. 84 Seafood licensing

By Mr. Bailey:

S. 48. p. 94 Public contracts

By Rep. Turnham:

H. 542. p. 157 Energy management

By Rep. Dixon:

H. 72. p. 12 Employees retirement system

By Rep. Smith (M):

H. 543. p. 44 Recycling

By Rep. Harper (T):

H. 711. p. 67 Seafood

By Rep. Harper (T):

H. 712. p. 67 Seafood

By Rep. Roberts:

H. 587. p. 126 Class C firecracker

By Mr. Holmes:

S. 354. p. 33S Gasohol

By Rep. Zoghby:

H. 498. p. 42 Streets and Alleys

By Rep. Smith (C):

H. 884. p. 107 Raises drinking age

By Rep. Greer:

H. 545. p. 55 Prisoner of war tags

By Rep. Owens:

H. 427. p. 26 Publishing employee list

By Rep. Dixon:

H. 666. p. 94 ADC, unwed mothers

By Rep. Whatley:

H. 1081. p. 20S Pump tax permit

By Rep. Payne:

H. 913. p. 132 Sale of public lands

By Rep. Dial:

H. 1013. p. 2S Air conditioning, roofing and sheet metal

On motion of Rep. Pegues, the resolution, H. R. 255, was adopted.

Yeas 48; Nays 15.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Cabaniss, Campbell, Carothers, Cates, Clark (G), Coburn, Cosby, Daniels, Dial, Dixon, Edwards, Grimsley, Grouby, Harper (T), Johnson (R. G.), Laird, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Owens, Payne, Pegues, Penry, Ray, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Stout, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

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Nays:

Reps.: Boles, Bowling, Cheatwood, Cobb, Cooley, Hall, Howard, Langford, Naramore, Olive, Patton, Rains, Shavers, Trammell and Wyatt.

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REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Pegues, Acting Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report, with substitute:

H. J. R. 237. EXTENDING THE LIFE OF THE JOINT LEGISLATIVE COMMITTEE TO STUDY THE REORGANIZATION OF THE ALABAMA PUBLIC SERVICE COMMISSION.

Said substitute being as follows:

CREATING THE JOINT INTERIM COMMITTEE OF THE LEGISLATURE TO STUDY THE REORGANIZATION OF THE PUBLIC SERVICE COMMISSION.

WHEREAS, there is a continued need to further investigate the reorganization of the Alabama Public Service Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby established a Joint Interim Committee of the Legislature to study the reorganization of the Public Service Commission. For purposes of continuity, said committee shall be composed of the same individual members of the House of Representatives and the Senate that constituted the Joint Legislative Committee to study the reorganization of the Alabama Public Service Commission created by Act No. 80-119, H. J. R. 106, 1980 Regular Session. Said joint interim committee shall report its findings, conclusions and recommendations on or before the sixth legislative day of the 1981 Regular Session.

The Clerk of the House and the Secretary of the Senate shall furnish the committee with any necessary clerical assistance and supplies needed by the committee in performing its duties to be paid from funds appropriated to the use of the Legislature. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. The total amount that may be expended by the committee shall not exceed \$7,500.00, and an appropriation is hereby made to such extent.

SUBSTITUTE ADOPTED

Rep. Pegues offered the motion to adopt the substitute reported by the Standing Committee on Rules, to the resolution, H. J. R. 237, and the substitute was adopted.

RESOLUTION TEMPORARILY POSTPONED

On motion of Rep. Pegues, the resolution, H. J. R. 237, as thus amended, was temporarily postponed.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Pegues, Acting Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

H. J. R. 249. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE NEEDS AND NECESSITIES OF OFF-CAMPUS BRANCHES OR CENTERS OF JUNIOR COLLEGES.

On motion of Rep. Pegues, the resolution, H. J. R. 249, was adopted.
Also:

S. J. R. 175. CONTINUING AND REORGANIZING AN INTERIM COMMITTEE ON MUNICIPAL GOVERNMENT.

On motion of Rep. Pegues, the resolution, S. J. R. 175, was adopted.

H. 724 TEMPORARILY POSTPONED

The bill, H. 724, with Senate amendment, was temporarily postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 82. To promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine importers, wine wholesalers and wine retailers by Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers, importers and retailers; to authorize the levy of county and municipal license fees thereon; to impose exclusive statewide tax on or measured by the sale of table wine and provide for the collection, administration and distribution thereof; to proscribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Manley, the House concurred in and adopted the Senate amendment to the bill, H. 82, said Senate amendment being as follows:

Amend House Bill 82, page 3, by deleting lines 23 through 25 in their entirety and substituting therefore the following:

"Section 4. Table wine may be sold in any county in Alabama which is now wet or may hereafter be designated a wet county pursuant to law, as follows:"

Amend H. B. 82 by deleting Section 16 on Pages 11 through 13 and substituting in lieu thereof the following:

"SECTION 16. Tax on sale of table wine.—

(a) Levy.—There is hereby levied in addition to the license taxes provided for by this Act and municipal and county license taxes and in addition to any marked-up price made by the board on wine sold by the board a privilege or excise tax measured by and graduated in accordance with the volume of sales of table wine and shall be an amount equal to 47¢ per liter as bottled according to the metric standard of measure or \$1.78 for each fluid gallon 35% of the cost of table wine to the wholesale licensee or board, to be collected from the purchaser by the board or by a licensed retailer, on the basis of the ratio of the size or measure of the container sold to one liter or one fluid gallon rounded to the nearest one cent.

(b) Collection.—The Tax levied by subsection (a) of this section shall be added to the sales price of all table wine sold and shall be collected from the purchasers. The tax shall be collected in the first instance from the wholesaler where table wine is sold or handled by wholesale licensees, and by the board from whomever makes sales when table wine is sold by the board. It shall be unlawful for any person who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from purchaser the required amount of tax, it being the intent and purpose of this provision that the tax levied is in fact a levy on the consumer. The person who pays the tax in the first instance is acting as an agent of the state for the collection and payment of the tax and as such may not collect a tax on table wine for any other level of government.

The tax hereby levied shall be collected by a monthly return, which shall be filed by the wholesale licensees as follows: a monthly return filed with the board not later than the fifteenth day of the second month following the month of receipt of table wine by the wholesaler on a form prescribed by the board showing receipts by the wholesalers from manufacturer, importer or other wholesaler licensees during the month of receipt and the taxes due thereon at the rate of 40¢ per liter, or \$1.51 per fluid gallon 30% of said wholesale cost; and the taxes due at such rate shall be remitted to the board along with the return; a monthly return filed with the county or municipality within which the wine is sold at retail filed not later than the fifteenth day of each month showing sales by wholesalers during the preceding month and the county or municipality in which sold and the taxes due thereon at the rate of 7¢ per liter, or 27¢ per fluid gallon 5% of said wholesale cost; and the taxes due at such rate shall be remitted to the county or municipality along with the return.

The tax hereby levied shall be collected by the board on the table wine sold by the board and shall be paid as follows: taxes at the rate of 40¢ per liter, or \$1.51 per fluid gallon 30% of said wholesale cost shall be remitted by the board into the state treasury and taxes at the rate of 7¢ per liter or 27¢ per fluid gallon 5% of said wholesale cost shall be remitted by the board to the county or municipality within which the wine was sold at retail not later than the last day of the month following the month of sale, as set forth in subsection (c) of this section.

The board and the governing body of each county and municipality served by the wholesaler shall have the authority to examine the books and records of any person who sells, stores or receives for the purpose of distribution, any table wine, to determine the accuracy of any return required to be filed with it.

(c) Disposition of proceeds.—The proceeds of the tax levied by subsection (a) of this section shall be paid and distributed as follows:

(1) Forty cents (40¢) per liter or one dollar fifty one cents (\$1.51) per gallon, according to the standard of measure used in bottling, 30% of said wholesale cost shall be collected by the board on its sales or paid to the board by wholesale licensees on their sales, and by the board paid into the state treasury to be credited as net profits from operation of the board to be distributed as provided by law.

(2) Seven cents (7¢) per liter or twenty-seven cents (27¢) per gallon, according to the standard of measure used in bottling, 5% of said wholesale cost shall be paid by the board on its sales or by wholesale licensees on their sales, either into the treasury of the municipality in which the table wine was sold at retail within its corporate limits, or, where sold outside the corporate limits of any municipality, into the treasury of the county in which the table wine was sold at retail.

(d) The tax herein levied is exclusive and shall be in lieu of all other and additional taxes state, county or municipality, imposed on or measured by the sale of table wine; provided that nothing herein contained shall be construed to exempt the retail sale of table wine from the levy of tax on general retail sales by the state, county or municipality in the nature of, or in lieu of, a general sales tax.

(e) The tax levied by subsection (a) of this section shall not be imposed upon the sale, trade or barter of table wine by one licensed wholesaler to another wholesaler licensed to sell and handle table wine in this state, which transaction is hereby made exempt from said tax; provided, however, the board may require written reporting of any such transaction in such form as the board may prescribe."

Yeas 33; Nays 11.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Biddle, Buskey, Cabaniss, Campbell, Clark (G), Clark (W), Cooley, Cosby, Dixon, Gilmer, Greer, Hall, Jackson, Kennedy, Laird, Langford, Manley, Minus, Payne, Pegues, Smith (M), Starkey, Trammell, Waggoner, Ward, Whatley and Zoghby.

—33

Nays:

Reps.: Crow, Edwards, Grouby, Harvey, Holley, Letson, Mitchell, Rains, Riddick, Smith (C), and Willis.

—11

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 82 as thus amended, was again read at length and passed.

Yeas 31; Nays 19.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Bowling, Cabaniss, Campbell, Carothers, Cheatwood, Clark (G), Clark (W), Cosby, Dixon, Hall, Hammett, Harper (O), Harper (T), Hilliard, Langford, McMillan, Manley, Minus, Payne, Seibels, Smith (M), Waggoner, Whatley, Williams and Zoghby.

—31

Nays:

Reps.: Adams (C), Cobb, Crow, Drinkard, Edwards, Ford, Grouby, Holley, Holmes, Kelley, Letson, McKee, Mitchell, Riddick, Roberts, Smith (C), Turnham, Venable and Willis.

—19

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 724. To repeal Act No. 653, H. 589, 1975 Regular Session (Acts 1975, p. 1410), entitled "An Act To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Buskey, the House concurred in and adopted the Senate amendment to the bill, H. 724, said Senate amendment being as follows:

Amend H. B. 724 on page 1, line 37, by striking therefrom the period at the end of the sentence and inserting in lieu thereof a comma.

Further amend H. B. 724 on page 1, line 37, by adding after the word "area" the following: is hereby repealed.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Clark (W), Cobb, Crow, Dixon, Drinkard, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holmes, Kennedy, Laird, Mitchell, Penry, Seibels, Stewart, Turner, Ward, Whatley, Willis, Wyatt and Zoghby.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 724 as thus amended, was again read at length and passed.

Yeas 38; Nays 1.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Blake, Buskey, Cabaniss, Carothers, Clark (W), Cobb, Coburn, Crow, Drinkard, Edwards, Ford,

Gilmer, Greer, Grimsley, Hall, Harper (O), Harper (T), Holmes, Laird, Lewis, McMillan, Mitchell, Pegues, Penry, Seibels, Stewart, Turner, Waggoner, Ward, Whatley, Willis, Wyatt and Zoghby.

—38

Nay: Rep. Adams (C).

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. deGraffenried:

S. 474. To amend Section 1 of Act No. 600, H. 1134 of the 1977 Regular Session (Acts 1977, Vol. II, p. 805), which act provides a pay increase for any law enforcement officer who has full peace officer authority, so as to extend eligibility to security and safety officers of the mental health department and to provide that such increases for such officers shall be paid from the mental health fund in the state treasury.

Also:

By Mr. Little:

S. 529. To amend Sections 36-18-1 through 36-18-4, Code of Alabama 1975, which establish and provide for the duties of the office of State Toxicologist, so as to provide further for the duties and rename the office.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 474. Ways and Means.

S. 529. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

REGULAR SESSION
27th Day

1745

By Mr. Cook:

S. 471. To provide franchisees with certain rights and remedies in addition to those existing in contract or common law in certain business negotiations with franchisors; to prescribe regulations relating to such negotiations and to provide civil remedies for violation of such regulations.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 471. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Bailey:

S. 136. To amend § 27-30-33, Code of Alabama 1975 requiring Mutual Aid Associations to follow the provisions of the Insurance Holding Company System Regulatory Act found in Chapter 29 of Title 27, Code of Alabama 1975.

Also:

By Mr. Bailey:

S. 137. To prohibit the formation of new Mutual Aid Associations under the provisions of §§ 27-30-1 through 27-30-33, Code of Alabama 1975.

Also:

By Mr. Figures:

S. 168. To amend Section 6-10-123 of the Code of Alabama 1975 to provide that for any waiver of exemption rights to be enforceable, the party asserting waiver must plead and, if controverted, prove to the reasonable satisfaction of the trier of fact that the party against whom waiver is asserted did so with actual knowledge of their exemption rights and of the existence of any provision for waiver contained in the instrument relied upon by the party asserting waiver, prior to his or her execution thereof.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 136. Insurance.

S. 137. Insurance.

S. 168. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Callahan (With Notice and Proof):

S. 397. To amend Act No. 31 of the Alabama Legislature, Second Special Session, 1975 which relates to the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an authority as a public corporation for the purpose of providing a public transportation service in such county and the compensation of directors of any such authority.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 397 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Glass (With Notice and Proof):

S. 532. Relating to the use of computer technology and equipment to enter, alphabetize, store, maintain, transmit electronically and generally prepare the various index records of the Probate Court of Mobile County as an alternative to the card or strip indexing system authorized by Act 460, 1957 Regular Session of the Alabama Legislature.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 532 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Callahan (With Notice and Proof):

S. 577. To place all full-time employees of the Mobile Housing Board under the classified service of the merit system of Mobile County's Personnel Board.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 577 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Glass (With Notice and Proof):

S. 591. To amend further Act No. 470, H. 952 of the regular session of 1939, approved September 15th, 1939, (local acts, 1939, page 298), and amended by Act No. 684 Regular Session of 1976 which creates and establishes the County-wide Civil Service System in Mobile County, so as to provide for an expense allowance and compensation for the members of the Personnel Board, and to provide for equal promotional opportunity for entry level unskilled laborers who have been employed in a jurisdiction for a minimum of six (6) months.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 591 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Callahan (With Notice and Proof):

S. 593. Relating to Law Enforcement of Mobile County, fixing the fee for the issuance of pistol permits; specifically, amending Section 1 of Act No. 474, S. 259, Regular Session 1969 (Acts 1969, p. 930).

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 593 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Lemaster (With Notice and Proof):

S. 594. Relating to DeKalb County; providing an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 594 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 397. Local Legislation No. 3.
- S. 532. Local Legislation No. 3.
- S. 577. Local Legislation No. 3.
- S. 591. Local Legislation No. 3.
- S. 593. Local Legislation No. 3.
- S. 594. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Messrs. Proctor and Parsons:

S. 540. To provide a cost-of-living salary increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to appropriate such additional funds as may be necessary to pay such increase, also, additional funds to Athens State College and the universities.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 540. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Parsons:

S. 377. To amend Section 20-2-75 of the Code of Alabama 1975, Alabama's Uniform Controlled Substances Act, so as to change the provisions relating to possession of and transactions in drug related objects; to change the definitions of certain terms; to change the penalties; to prohibit certain activities relating to drug related objects; to provide for defenses; to declare certain instruments, devices, and objects to be contraband; to provide for severability; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; to provide for forfeiture for objects possessed, sold or given away in violation hereof; and for other purposes.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 377. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Parsons, Vacca, White, Clemon, Proctor, Hall, Pearson and Cook
(With Notice and Proof):

S. 486. Relating to Jefferson County; further regulating the duties and authority of the judge of probate in said county so as to require that certain forms be made available in the office of the judge of probate for the use of all persons and parties in interest; and repealing any law in conflict with the provisions of this Act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED
TO THE BILL, S. B. 486 AS REQUIRED IN THE GENERAL ACTS OF
ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Weeks (With Notice and Proof):

S. 130. Relating to Macon County; to provide further compensation for the clerk and members of the jury commission, payable from the county general fund; and providing retroactive effect.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED
TO THE BILL, S. B. 130 AS REQUIRED IN THE GENERAL ACTS OF
ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Teague (With Notice and Proof):

S. 502. To provide for a supplemental salary for the District Attorney of the Thirtieth Judicial Circuit, to be paid by St. Clair County and to fix the amount and method of payment thereof; and to provide retroactive effect.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED
TO THE BILL, S. B. 502 AS REQUIRED IN THE GENERAL ACTS OF
ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Lemaster (With Notice and Proof):

S. 595. Relating to Jackson County; providing an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED
TO THE BILL, S. B. 595 AS REQUIRED IN THE GENERAL ACTS OF
ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Proctor (With Notice and Proof):

S. 598. Relating to Coosa County; providing a monthly expense allowance for the county coroner.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 598 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. McDonald (With Notice and Proof):

S. 599. Relating to the Thirty-ninth Judicial Circuit; providing a county salary supplement for the circuit judges effective the next fiscal year of Limestone County.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 599 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Gullede (With Notice and Proof):

S. 600. Relating to Baldwin County; to provide for the salary of the Judge of Probate.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 600 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 486. Local Legislation No. 2.
- S. 130. Local Legislation No. 1.
- S. 502. Local Legislation No. 1.
- S. 595. Local Legislation No. 1.
- S. 598. Local Legislation No. 1.
- S. 599. Local Legislation No. 1.
- S. 600. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 511. Relating to the City of Foley in Baldwin County; authorizing the utilities board of the City of Foley to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this Act from the jurisdiction and control of the Alabama Public Service Commission.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The Alabama Senate
State Capitol
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill Number 511 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,
MICHAEL D. WATERS,
Legal Advisor.

Done this 29th day of April, 1980.

To The Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 511 without my signature and approval and with the following suggested Executive Amendment.

On Page 3, Section 5, Line 34, following the word "public", delete the words "in this state" and substitute in lieu thereof the words "within its jurisdiction".

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,
FOB JAMES,
Governor.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, S. B. 511, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 25, Nays 0.

And said Bill, S. B. 511, as thus amended by the Executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 25, Nays 0.

And said Bill, S. B. 511, together with the Executive amendment, is herewith sent to the House for its consideration.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. McMillan, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, said Governor's amendment being set out in the above and foregoing Message from the Senate.

Yeas 35; Nays 0.

Yeas:

Mr. Speaker, Bedsole, Blake, Buskey, Campbell, Clark (G), Clark (W), Cobb, Cooley, Crow, Dial, Drinkard, Edwards, Ford, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holmes, Kennedy, Naramore, Olive, Penry, Roberts, Sasser, Shoemaker, Starkey, Venable, Ward, Warren, Whatley, Willis and Zoghby.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 511, As amended by the amendment proposed by His Excellency the Governor, was again read at length and passed.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Blake, Buskey, Campbell, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holmes, Kennedy, McMillan, Moore, Naramore, Olive, Patton, Pegues, Penry, Reed, Roberts, Sasser, Seibels, Stewart, Venable, Warren, Whatley, Willis and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Teague:

S. J. R. 181. CREATING THE JOINT INTERIM COMMITTEE OF THE LEGISLATURE TO STUDY THE REORGANIZATION OF THE PUBLIC SERVICE COMMISSION.

WHEREAS, there is a continued need to further investigate the reorganization of the Alabama Public Service Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby established a Joint Interim Committee of the Legislature to study the reorganization of the Public Service Commission. For purposes of continuity, said committee shall be composed of the same individual members of the House of Representatives and the Senate that constituted the Joint Legislative Committee to study the reorganization of the Alabama Public Service Commission created by Act No. 80-119, H. J. R. 106, 1980 Regular Session. Said joint interim committee shall report its findings, conclusions and recommendations on or before the sixth legislative day of the 1981 Regular Session.

The Clerk of the House and the Secretary of the Senate shall furnish the committee with any necessary clerical assistance and supplies needed by the committee in performing its duties to be paid from funds appropriated to the use of the Legislature. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. The total amount that may be expended by the committee shall not exceed \$9,000.00, and an appropriation is hereby made to such extent.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 181, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Proctor, Kirkland, and Denton:

S. J. R. 179. CREATING A JOINT LEGISLATIVE COMMITTEE ON APPORTIONMENT ACCORDING TO THE 1980 UNITED STATES CENSUS.

WHEREAS, the United States Government will all too soon complete the 1980 Census; and

WHEREAS, as a result of this 1980 Census, there may exist a reapportionment problem in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a permanent joint legislative committee on reapportionment to consist of sixteen

members as follows: one member of the House of Representatives from each Congressional District and the chairman or vice-chairman of the House Judiciary Committee, to be appointed by the Speaker of the House and one member of the Senate from each Congressional District and the chairman or vice-chairman of the Senate Judiciary Committee, to be appointed by the Lieutenant Governor. This committee shall make a continuous study of the reapportionment problem in Alabama seeking solutions thereto. It shall make such reports of its investigations, findings and recommendations to the legislature at any time during any regular or special session of the legislature as it may deem to be necessary or desirable. Each member of the committee hereby created shall be entitled to his usual legislative pay and per diem for each day he spends in attending such committee meetings.

BE IT FURTHER RESOLVED, That the committee shall have authority to employ all necessary staff to perform the functions of this committee and employees of the committee shall be paid out of any funds appropriated for the use of the legislature.

BE IT FURTHER RESOLVED that the authority of this Committee shall expire at the conclusion of the last regular or special session in the calendar year 1981.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 179, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Mitchem:

S. J. R. 180. NAMING THE ALABAMA NATIONAL GUARD ARMORY, NOW UNDER CONSTRUCTION AT ARAB, ALABAMA, IN HONOR OF COLONEL WILBUR B. FOWLER, RETIRED.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 180, the title of which is set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Turnham:

H. R. 256. COMMENDING MRS. MILDRED CALHOUN OF THE ALABAMA VFW LADIES AUXILIARY.

Also:

The following resolutions were introduced:

By Rep. McMillan:

H. J. R. 257. CONCERNING THE NATIONAL INTEREST LANDS IN ALASKA; REQUESTING THE PRESIDENT OF THE UNITED STATES AND MEMBERS OF THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF CERTAIN ALASKAN LANDS LEGISLATION CURRENTLY BEFORE CONGRESS.

WHEREAS, Section 17(d)(2) of the Alaska Native Claims Settlement Act of 1971 directed the Secretary of the Interior "to withdraw from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under Alaska Statehood Act . . . up to, but not to exceed 80 million acres of unreserved public lands in the State of Alaska . . . which the Secretary deems suitable for addition to or creation as units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic River systems"; and

WHEREAS, The same 1971 Act required Congress to act upon the Secretary's recommendations within 7 years; and

WHEREAS, both the United States House of Representatives and the United States Senate have had under consideration legislation responding to the recommendations of the Secretary entered in accordance with the mandate of the 1971 Act, but Congress has failed to agree on a single version of Alaska National interest lands legislation; and

WHEREAS, The President, Secretary of the Interior, and Secretary of Agriculture, acting in accordance with Authority purportedly granted by the Antiquities Act (16 U.S.C. 431), the Federal Land Policy and Management Act (43 U.S.C. 1701), and other statutory bases for land withdrawals and reclassifications, have reserved or reclassified more than 110 million acres of Alaska land, compromising Statehood Act selection rights and threatening or severely restricting, if not altogether precluding, both traditional land and resource use activities and opportunities for resource development throughout much of Alaska; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature adopts the following seven points as the position of the State of Alabama in its attempts to secure Congressional review and disposition of issues involving Alaska national interest lands in keeping with the spirit of the 1971 Congressional legislation:

(1) Congress should revoke each and all of the 1978 executive or administrative orders withdrawing lands in Alaska;

(2) By legislation, Congress should convey to the State its full entitlement of federal lands authorized by the Alaska Statehood Act, and to Alaska Natives the full entitlement of public lands authorized to Alaska Natives by the Alaska Native Allotment Act, 48 U.S.C. 357 (Act of May 17, 1906), as amended, and by the Alaska Native Claims Settlement Act, as amended;

(3) Congress should provide for a rational means of providing access to State and private lands across any federal enclaves created;

(4) State management of fish and game on all lands in Alaska should be continued; •

(5) Congress should exempt highly valuable mineral deposits and other commodity resources from inclusion in federal systems which obviate development;

(6) Traditional land uses on all lands in Alaska should continue; and

(7) The President and the Secretary of the Interior should be precluded from establishing or adding to any conservation system unit within Alaska by means of any executive or administrative authority.

BE IT FURTHER RESOLVED, That Alabama's U. S. Senators and Representatives are urged to support the passage of Alaska lands legislation this year as long as that legislation basically conforms to the policy statements enumerated in this Resolution and is an improvement over conditions which would otherwise prevail under the Antiquities Act and other executive and administrative actions should no Alaska land legislation be enacted.

RESOLVED FURTHER, That a copy of this Resolution be sent to the Alabama Senate and House Delegations in the U. S. Congress.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 257, was adopted.

Also:

By Rep. Letson:

H. J. R. 258. MOURNING THE DEATH OF JOSEPH GUY STRAHAN, PRAISING HIS WORKS, AND NAMING THE GAS FIELDS IN LAWRENCE AND FRANKLIN COUNTIES IN HIS HONOR.

WHEREAS, the Alabama Legislature has noted with a deep sense of regret the passing of Joseph Guy Strahan of 711 Bayou Shore Drive, Monroe, Louisiana in 1979; and

WHEREAS, Mr. Strahan was born in England, Arkansas on February 10, 1901. He began working in gas and oil fields at nineteen years of age with Gulf Oil Company; and

WHEREAS, Mr. Strahan began his own gas and oil exploration and discovery business when he was twenty-two years of age and has been in this business for the past fifty-six years. He was in Kilgore Field with H. L. Hunt when the Kilgore Field was discovered in Texas, then the Smackover Field, in Arkansas; then back to La Port, Texas in the gas, oil and real estate business, where he was also Mayor of La Port, Texas. Then there was a big land grant in Arkansas and he bought all the land where Bull Shoals, Arkansas is and laid out the town and streets, a resort town of 30,000 people; and

WHEREAS, Mr. Strahan drilled gas and oil wells in twelve states; he has drilled in six counties in Alabama. The field in Lawrence and Franklin Counties of Alabama started in 1978, where the first two wells were drilled on the land of Edsel F. Moore, a former member of the Alabama House of Representatives. He has eighteen wells in Lawrence and Franklin Counties and leases for many more; and

WHEREAS, Mr. Strahan was a devoted member of the Methodist Church of Monroe, Louisiana, where he gave part of his gas royalties to the church; and

WHEREAS, Mr. Strahan was ever ready to contribute to the need of his neighbors, fellow workers, and people associated with the gas and oil business. He was the type of person who made friends and was loved by all, wherever he went; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do mourn the death of Joseph Guy Strahan and express our deep and sincere sympathy to his wife, Thelma Strahan, and his children.

BE IT FURTHER RESOLVED, That the gas fields in Lawrence and Franklin Counties where Mr. Strahan has taken leases and drilled be known as, and named the Joseph Guy Strahan Field.

RESOLVED FURTHER, That copies of this resolution be sent to his wife, in Monroe, Louisiana and to the Alabama Gas and Oil Board and the State of Alabama Department of Geology, and to Edsel F. Moore in Moulton, Alabama.

On motion of Rep. Letson, the rules were suspended and the resolution, H. J. R. 258, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Willis, Crow, Campbell and Blake:

H. R. 259. COMMENDING JAMES W. BENNETT ON BEING RECOGNIZED BY THE PIEDMONT CHAMBER OF COMMERCE FOR HIS OUTSTANDING COMMUNITY SERVICE.

Also:

By Reps. Willis, Crow, Campbell and Blake:

H. R. 260. COMMENDING DOCTOR SAMUEL J. CRAWFORD, PIEDMONT CHAMBER OF COMMERCE MAN OF THE YEAR.

Also:

By Rep. Mitchell:

H. R. 261. MOURNING THE DEATH OF MR. JOHN CALVIN FAULKNER PROMINENT TUSCALOOSA BUSINESSMAN AND CIVIC LEADER.

Also:

By Reps. Rains, Stout and Turnham:

H. R. 262. HONORING MR. WILLARD ALFRED ISRAEL ON HIS RETIREMENT AS SUPERINTENDENT OF THE FORT PAYNE CITY SCHOOLS.

Also:

By Rep. Turner:

H. R. 263. COMMENDING RHONDA DUNN ON HER SELECTION AS CITRONELLE'S 22nd OIL QUEEN.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 50. Relating to any city with a population of 300,000 inhabitants or more, according to the 1970 or any subsequent federal decennial census; regulating the keeping of dogs outside in the yard of any residence or in vacant lots within such municipalities; making certain exceptions; and prescribing that the county health department shall have the authority to enforce the provisions of this act and to make reasonable rules and regulations necessary for implementing the provisions of this act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Gafford, the House concurred in and adopted the Senate amendment to the bill, H. 50, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to any city with a population of 300,000 inhabitants or more, according to the 1970 or any subsequent federal decennial census; regulating the keeping of dogs in vacant lots not adjacent or contiguous to a residence within such municipalities; making certain exceptions; and prescribing that the county health department shall have the authority to enforce the provisions of this act and to make reasonable rules and regulations necessary for implementing the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. In any city with a population of 300,000 inhabitants or more, according to the 1970 or any subsequent federal decennial census, no person shall put any dog or dogs in a vacant lot which is not adjacent or contiguous to his residence.

Section 2. The provisions of this act shall not apply to any person who is a licensed veterinarian operating his business in an area zoned therefor; nor shall the provisions of this act apply to any person using dogs to guard his business.

Section 3. The county health department is authorized to promulgate and enforce any reasonable rules and regulations necessary to implement the provisions of this act. Notice of such rules and regulations shall be given by publication thirty (30) days before the effective date.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Biddle, Blake, Buskey, Cabaniss, Campbell, Cheatwood, Clark (G), (Clark (W)), Cosby, Crow, Drinkard, Edwards, Gafford, Greer, Grimsley, Grouby, Hall, Harper (O), Harvey, Mitchell, Moore, Olive, Payne, Pegues, Reed, Smith (C), Trammell, Ward, Warren, Whatley, Williams and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 50. Relating to any city with a population of 300,000 inhabitants or more, according to the 1970 or any subsequent federal decennial census; regulating the keeping of dogs in vacant lots not adjacent or contiguous to a residence within such municipalities; making certain exceptions; and prescribing that the county health department shall have the authority to enforce the provisions of this act and to make reasonable rules and regulations necessary for implementing the provisions of this act.

As thus amended, was again read at length and passed.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Biddle, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (W), Cosby, Crow, Drinkard, Edwards, Gafford, Grouby, Hall, Harper (O), Kennedy, Laird, Lewis, Mitchell, Moore, Naramore, Olive, Pegues, Reed, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Waggoner, Ward, Warren, Whatley, Williams and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 48. To provide for the establishment of the Birmingham Civic Center and the creation of the Birmingham-Jefferson County Civic Center Authority, a public corporation, for the purpose of establishing, maintaining and operating such civic center; to provide for the Board of Directors of said Authority, the composition, membership, terms of office, powers and duties of said Board; to grant the Authority the power of eminent domain; to authorize the Authority to construct, maintain, control, operate and manage said civic center, and certain offices, buildings, streets, boulevards, walkways, parkways, parks, monuments, statues, certain other structures, community or meeting houses, auditoriums, arenas, convention halls and sites, places of recreation, music halls, art museum, art exhibits and other exhibits for the advancement of the humanities and the cultural development and edification of the citizens of the county and municipality; to authorize the county and municipality to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties without authorizing an election of the qualified voters of the county or of the municipality provided the respective governing body shall first determine that such lease, sale, donation, conveyance or appropriation will benefit the people of the county or municipality; to authorize the Authority to borrow money and to issue revenue bonds as evidence of money so borrowed, which bonds shall be payable solely from taxes payable to the authority by act of the Legislature heretofore or hereafter adopted and from revenues of the Authority derived from the authorized activities, operation and enterprises; to authorize the Authority to mortgage its property to secure the payment of principal and interest due on said bonds; to authorize the Authority to execute such contracts, documents and other instruments as it deems necessary to secure the payment of the principal and interest due on said bonds; to authorize the Authority to borrow money, to issue as evidence of its obligation to repay such money, its negotiable promissory notes and to provide the security for such notes and the refunding thereof by the issuance of notes or bonds; to provide for the Alcoholic Beverage Control Board to issue liquor licenses to the said civic center authority; to regulate the issuance of such licences, the amount of license tax or fee payable therefor; to provide that pursuant to such license the Authority is authorized to keep and sell in its Civic Center, alcoholic, malt or vinous beverages and to further define "Authority" and "Civic Center"; to further provide for the financing for establishing, constructing, maintaining, and operating the said civic center by imposing and levying in Jefferson County a privilege or license tax on every person engaged in the county in the business of renting or furnishing any room or rooms, lodging or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings, or accommodations are rented or furnished for a consideration, and also a privilege or license tax on every person engaged in such county in the business of renting or furnishing space for the accommodations of trailers; and to provide for the levy, collection, manner of payment, and enforcement of an additional license tax on every person who sells, stores or delivers cigarettes or smoking tobacco in the county, for the purposes of financing the establishment, maintenance and operation of the said civic center; to provide the amount or rate of said taxes and certain exemptions therefrom; to provide for the method of collecting and enforcing said taxes; to provide for the collection of said taxes; to provide for the distribution of said taxes; to provide for a percentage of the taxes collected to be paid to the county for expenses incurred in the collection, enforcement and administration of said taxes; to express that the legislative intent of this act is to bring together all acts relating to the operation, construction, financing, and maintenance of the Birmingham Civic Center and the authority and powers of the Birmingham-Jefferson County Civic Center Authority; to provide that all taxes levied and all powers of the Authority shall continue

except as herein amended; to expand the membership of the Board of Directors of the Authority to eleven; to define "Electoral College"; to further provide for notice of certain meetings and the definition of a quorum, terms of office and successors in office; to provide misdemeanor penalties for certain violations of the provisions of this act; and to repeal conflicting laws.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Gafford, the House concurred in and adopted the Senate amendment to the bill, H. 48, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the establishment of the Birmingham Civic Center and the creation of the Birmingham-Jefferson County Civic Center Authority, a public corporation, for the purpose of establishing, maintaining and operating such civic center; to provide for the Board of Directors of said Authority, the composition, membership, terms of office, powers and duties of said Board; to grant the Authority the power of eminent domain; to authorize the Authority to construct, maintain, control, operate and manage said civic center, and certain offices, buildings, streets, boulevards, walkways, parkways, parks, monuments, statues, certain other structures, community or meeting houses, auditoriums, arenas, convention halls and sites, places of recreation, music halls, art museum, art exhibits and other exhibits for the advancement of the humanities and the cultural development and edification of the citizens of the county and municipality; to authorize the county and municipality to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties without authorizing an election of the qualified voters of the county or of the municipality provided the respective governing body shall first determine that such lease, sale, donation, conveyance or appropriation will benefit the people of the county or municipality; to authorize the Authority to borrow money and to issue revenue bonds as evidence of money so borrowed, which bonds shall be payable solely from taxes payable to the authority by act of the Legislature heretofore or hereafter adopted and from revenues of the Authority derived from the authorized activities, operation and enterprises; to authorize the Authority to mortgage its property to secure the payment of principal and interest due on said bonds; to authorize the Authority to execute such contracts, documents and other instruments as it deems necessary to secure the payment of the principal and interest due on said bonds; to authorize the Authority to borrow money, to issue as evidence of its obligation to repay such money, its negotiable promissory notes and to provide the security for such notes and the refunding thereof by the issuance of notes or bonds; to provide for the Alcoholic Beverage Control Board to issue liquor licenses to the said civic center authority; to regulate the issuance of such licenses, the amount of license tax or fee payable therefor; to provide that pursuant to such license the Authority is authorized to keep and sell in its Civic Center, alcoholic, malt or vinous beverages and to further define "Authority" and "Civic Center"; to further provide for the financing for establishing, constructing, maintaining, and operating the said civic center by imposing and levying in Jefferson County a privilege or license tax on every person engaged in the county in the business

of renting or furnishing any room or rooms, lodging or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings, or accommodations are rented or furnished for a consideration, and also a privilege or license tax on every person engaged in such county in the business of renting or furnishing space for the accommodations of trailers; and to provide for the levy, collection, manner of payment, and enforcement of an additional license tax on every person who sells, stores or delivers cigarettes or smoking tobacco in the county, for the purposes of financing the establishment, maintenance and operation of the said civic center; to provide the amount or rate of said taxes and certain exemptions therefrom; to provide for the method of collecting and enforcing said taxes; to provide for the collection of said taxes; to provide for the distribution of said taxes; to provide for a percentage of the taxes collected to be paid to the county for expenses incurred in the collection, enforcement and administration of said taxes; to express that the legislative intent of this act is to bring together all acts relating to the operation, construction, financing, and maintenance of the Birmingham Civic Center and the authority and powers of the Birmingham-Jefferson County Civic Center Authority; to provide that all taxes levied and all powers of the Authority shall continue except as herein amended; to expand the membership of the Board of Directors of the Authority to eleven; to define "Electoral College"; to further provide for notice of certain meetings and the definition of a quorum, terms of office and successors in office; to provide misdemeanor penalties for certain violations of the provisions of this act; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the legislative intent to compile in one act the acts, whether private, special, general or local, relating to the operation, construction, financing and maintenance of the Birmingham Civic Center and relating to the authority and powers of the Birmingham-Jefferson County Civic Center Authority and the county governing body; it is the further intent of this act: To expand the membership of the Board of Directors of the Authority to eleven; to define "Electoral College"; to further provide for notice of certain meetings and the definition of a quorum, terms of office and successors in office; and to repeal conflicting laws.

Section 2. The words and terms defined used in this Section 2 act shall have the meanings respectively ascribed to them herein unless it is apparent from the context that a different meaning is intended. The word "county" shall mean any county to which this act applies Jefferson County. The term "county seat" shall mean the municipality wherein the county seat of the county is situated. The word "Authority" shall mean the Civic Center Authority created by this act. The word "person" shall mean and include a natural person, a corporation, a partnership, an association or any other entity. The term "next to the largest municipality" shall mean that municipality of the county which according to the last or any subsequent federal census has the largest population of any municipality in the county excluding the county seat. The word "Mayor" shall mean the Mayor or other chief executive officer of Birmingham, Alabama a municipality. The masculine shall include the feminine and neuter; and the neuter shall include the masculine and the feminine.

Section 3. Legislative findings and declared purposes of this act. The Legislature has found and determined that in any the county having a population of 500,000 or more the following conditions exist: (1) That there is a great metropolitan area extending over a substantial portion of the territory lying within the boundaries of the county; (2) that in the county there is a

large number of municipalities, with the municipalities being contiguous to each other in many instances; (3) that it is to the interest of the citizens of the county that there be established at the county seat a civic center; (4) that such civic center, though located in one municipality Birmingham, Alabama, will be a great cultural asset and constitute a great civic betterment for all people of the county, which will be to the interest of all of the people of the county; and (5) that it is desirable that there be established to operate, control and manage the civic center the public corporation created by this act, vested with the powers conferred on said corporation by this act. The Legislature declares that it is the purpose of this act to facilitate, in the manner hereinafter prescribed, the establishment, maintenance and operation of a civic center in the county and to provide for the operation and management of such civic center by the public corporation created by this act.

Section 4. There is hereby established in the county a public corporation for the purposes hereinafter specified, which corporation shall be vested with the powers conferred upon it by this act. The said public corporation is at times hereinafter referred to as "the Authority."

Subject to the conditions and qualifications hereinafter stated, the name of the said corporation shall be "Civic Center Authority of the Cities and County of _____ County" (In the blank space will be inserted the name of the County). the Birmingham-Jefferson County Civic Center Authority. The Board of Directors of the Authority may choose some name other than that above specified at any time it elects to do so; provided, however, that if the Board of Directors chooses any other name there shall be filed for record in the office of the Probate Judge of the county a copy of the resolution of the Board of Directors stating the name adopted by the Authority, which resolution shall be followed by a certificate signed by the Chairman of the Board of Directors stating the date on which the resolution was adopted and stating that the copy of the resolution preceding said certificate is a true and correct copy of the resolution adopted by the Board of Directors. The term "Legislative Electoral College," as used in this Section, shall mean that group of legislators who shall elect appoint the elective non-ex officio members of the Board of Directors of the Authority, which group of legislators shall consist of the following: Each member of the House of Representatives of the Legislature of Alabama from that representative district in which the county is located and each member of the State Senate from that senatorial district in which the county is situated. The Senate delegation members shall jointly appoint five members and the House delegation members shall jointly appoint four members.

The affairs of the Authority shall be managed and controlled by a Board of Directors consisting of nine eleven members. One of said members shall be the mayor or chief executive officer of the largest municipality in the county Birmingham, Alabama; at least two additional of said members shall be resident citizens of the largest municipality in the county Birmingham, Alabama; one of said members shall be the President or Chairman of the governing body of the county; and none of said members shall be a member of the Legislative Electoral College. The resident citizens of Birmingham, Alabama and the remaining members shall be elected appointed in the manner hereinafter prescribed; provided, however, that if there shall be a branch court house in the County, one of the members of the Board shall be a resident of the area served by such the branch courthouse of the county. The Chairman of the Board of Directors shall be elected by said Board after all members of the Board shall have been elected and qualified as such.

Within thirty days after this act, as amended, becomes applicable to the county, the Mayor of the county seat and the President or Chairman of the governing body of the County shall address a letter, signed by them jointly in their respective official capacities, chairman of each the House and Senate legislative delegation shall send written notice to each member of the Legislative Electoral College, requesting that the Legislative Electoral College elect appoint those members of the Board of Directors of the Authority to be elected appointed by the Legislative Electoral College. As soon as practical after the members of the Legislative Electoral College receive the said letters, the Legislative Electoral College shall elect appoint seven nine members of the Board of Directors of the Authority. The chairmen of each the House and Senate legislative delegation If the legislative delegation has a chairman, said chairman shall send written notice to the members of the Legislative Electoral College, other than himself themselves, notifying them of the time and place of the meeting to be held for the purpose of electing appointing the members of the Board of Directors to be selected by the Legislative Electoral said College, which time shall be not less than six days subsequent to the date on which the Chairman said chairmen of the Legislative Delegation transmits said written notice to the members of the Legislative Delegation belonging to the Legislative Electoral said College. If the Legislative Delegation has no chairman, then the Senator of the senatorial district in which the County is situated shall give said written notice to the members of the legislative delegation. If there is more than one Senator from the County, then that Senator who has served the longest period in the Senate shall give the said notice; and if there is more than one Senator from the County and no Senator has seniority over the other Senator or Senators, then the oldest Senator shall give said notice. In the event one of such chairmen fails to act, notice by the other to all members of the Legislative Electoral College shall be sufficient. The Legislative Electoral College may elect appoint the members of the Board of Directors to be elected appointed by it either at the initial meeting held for that purpose or at some later meeting; provided, however, that if the election appointments is are at a later meeting, the time and place of such later meeting shall be fixed by a majority vote of a quorum of the total membership of the Legislative Electoral College present and voting, at a meeting regularly called, or notice of the time and place of such later meeting shall be given in the manner herein prescribed for giving the notice of the initial meeting of the Legislative Electoral College. The election appointments by the Legislative Electoral College shall be by a majority vote of a quorum of the total membership of each house delegation the Senators present and voting on the respective appointments to be made by its body. The Senate delegation shall appoint five members and the House delegation shall appoint four members. a majority vote of the members of the House of Representatives present. To be elected as a member of the Board of Directors, a person must receive both the vote of a majority of the Senators present and also the vote of a majority of the House members present. Two Three members of the Board of Directors of the Authority elected by the Legislative Electoral College shall serve for a term of two years; two three members of the Board of Directors of the Authority elected appointed by the Legislative Electoral College shall serve for a term of three years; and three members of the Board of Directors of the Authority elected by the Legislative Electoral College shall serve for a term of four years, as fixed by the Legislative Electoral College, which terms shall commence from the October 1 closest to the date on which they are elected. In the event that seven nine members of the Board of Directors were not initially elected serving or the terms of office of such members are not fixed by the Legislative Electoral College, a meeting shall be called in the same manner as hereinabove provided to elect appoint from the respective bodies the required additional member or members and to fix the terms of office of all elected members.

The persons who under the terms thereof is are to give notice of meeting of the Legislative Electoral College shall notify the Mayor or chief executive officer of the largest municipality in the county Birmingham, Alabama, and the President or Chairman of the governing body of the county whom the Legislative Electoral College elected to serve on the Board of Directors of the Authority.

When the Mayor or chief executive officer of the largest municipality in the county and the President or Chairman of the governing body of the County shall have been notified of the election of the members of the Board of Directors to be elected by the Legislative Electoral College, the said Mayor and the said President or Chairman shall by letter signed by them jointly notify the members of the Board of Directors elected by the Legislative Electoral College of the time and place of the first meeting of the Board of Directors of the Authority. The Board of Directors shall fix the time and place at which they shall meet for the purpose of electing a Chairman of the Board; and the said members shall give such notice as is deemed appropriate by them of the time and place of said meeting.

The Board of Directors shall elect a Chairman of the Board and he shall serve as Chairman until his term as a member of the Board, which he is serving at the time of his election as Chairman, expires. The Chairman shall preside at all meetings of the Board of Directors and the Chairman shall have a vote the same as any other member of the Board of Directors.

No person shall be elected appointed as a member of the Board of Directors of the Authority unless he is a qualified elector of the county. Not more than one member of the Board of Directors elected appointed by the Legislative Electoral College or by the Directors shall hold any public office; provided that this restriction shall not apply to the first members so elected appointed.

The members of the said Board of Directors shall serve without compensation except that they shall be reimbursed for actual expenses incurred in and about the performance of their duties hereunder.

In case a directorship held by an elected appointed director becomes vacant during his term his successor shall be elected appointed in the same manner in which he was elected. The successor shall be deemed to be elected appointed for the remainder of the term during which the vacancy occurred; provided, however, that if a person is elected to any vacant directorship during the last six months of any term of such directorship, he shall be deemed elected for the remainder of such term and for the next succeeding term of such directorship. In the event the Legislative Electoral College shall fail for any reason to elect within sixty days after this Act, as amended, becomes applicable to the county, the members of the Board of Directors, which this act provides said Electoral College shall elect, then in that event the person holding such directorship shall be deemed to serve until his successor is elected appointed by the Legislative Electoral College. the two ex-officio members of the Board (they being the Mayor or chief executive officer of the largest municipality in the county and the President or Chairman of the governing body of the County) and any other member or members of the Board of Directors theretofore elected shall elect such members of the Board of Directors to fill the directorship which the electoral college fails to fill. In the event a vacancy on the Board of Directors occurs which is to be filled by the Legislative Electoral College and the Legislative Electoral College fails for any reason to fill said vacancy within thirty days from the date of the occurrence of said vacancy, the remaining members of the Board of Directors shall elect a member of the Board to fill said vacancy.

Each person presently serving on the board of the Birmingham-Jefferson County Civic Center shall continue in office until his term of office expires. Upon the passage of this Act the county house delegation and the county senate delegation each shall make one appointment; thereafter the county house delegation and the county senate delegation each shall make appointments as each term of office expires until the total membership appointed by said Legislative Electoral College is 11, with five members appointed by the senate delegation and four members appointed by the house delegation.

Section 5. The power of the said Authority shall be vested in and exercised by a majority of the members of the Board of Directors. The said Board may delegate to one or more of its members or its officers, agents and employees such duties as it may deem proper. The Board of Directors shall elect a vice chairman of said Board, who shall serve as chairman in the event of the chairman's absence. The said Board of Directors shall also elect a treasurer and a secretary. The same person may serve as secretary and treasurer. The secretary and treasurer may or may not be a member of the Board. The treasurer shall act as custodian of all the funds, from whatever sources derived, received by the Authority. The treasurer shall deposit said monies in a separate account or accounts in one or more bank or banks or trust companies which are duly qualified and doing business in the State of Alabama; provided, however, that the Authority may by resolution or by trust indenture securing the issuance of bonds then authorized, designate a fiscal agent or trustee who shall be a bank or trust company duly qualified to do business in the State of Alabama and may authorize such fiscal agent or trustee to receive and disburse, upon such terms and conditions (and subject to such exceptions, if any) as may be specified in such resolution or trust indenture, all funds applicable to payment of said bonds.

The treasurer of the Authority shall execute a fidelity bond with a company authorized to write such bonds in the State of Alabama being surety thereon, which bond shall be in an amount approved by the Board of Directors of the Authority.

Contracts of the Authority shall be executed in the name of the Authority by the Chairman of the Board of Directors and attested by the secretary of the Authority. Except for bonds, it is not required that the seal be impressed or printed on contracts. It is further provided hereby that except for bonds, the Board of Directors may provide by resolution for a different form for the execution of contracts, and for the execution thereof by an officer or agent other than the chairman and secretary. But in no event shall a contract, irrespective of its form and of the persons executing the same, be binding unless such contract was authorized or ratified by the Board of Directors.

The Authority shall have authority to hire an architect or architects and enter into contracts for their services in designing and supervising the construction of any building, civic center, auditorium, arena, convention hall, music hall, art museum, places of recreation, art exhibits, office buildings and other structures that it shall desire to construct.

No member of the Board of Directors shall be interested, directly or indirectly, in any contract for work, material or services, or the profits therefrom to be furnished or performed for the Authority if such member has directly or indirectly, more than a ten percent (10%) interest in any business, firm or corporation, or profits thereof, furnishing or providing such work materials or services.

Section 6. The Authority shall be authorized to construct, maintain, control, operate and manage a Birmingham-Jefferson County Civic Center in the county seat. The said civic center shall not be established in any area in the county seat unless such area has been first approved for the establishment of the civic center for a resolution adopted by the governing body of the county and a resolution adopted by the governing body of the county seat; and after the area of the civic center has been established, as aforesaid, the area shall not be extended unless the extension thereof has been first approved by a resolution adopted by the governing body of the county and a resolution adopted by the governing body of the county seat. The Authority shall be authorized to construct, maintain, control, operate and manage all or any of the following to be situated in the civic center; buildings to provide offices to be used by the State of Alabama or by any agency, subdivision or public corporation thereof or by the county or by one or more municipalities thereof for any municipal purpose otherwise authorized by law and buildings to house or accommodate public facilities of the State of Alabama, or of any agency, subdivision or public corporation thereof or of the county or of any one or more of said municipalities for any municipal purpose otherwise authorized by law; streets, boulevards, walkways, parkways and parks; monuments, statues and other structures beautifying the civic center; community houses or meeting houses and auditoriums; arenas, convention halls and convention sites; music halls, art museums; places of recreation; art exhibits and other exhibits for the advancement of the humanities and the cultural development and edification of the citizens of the county and of the municipalities located therein.

The Authority shall have the power: (a) to sue and be sued; (b) to acquire property and rights and interests in property by gift, lease, purchase or by the exercise of eminent domain; (c) to have a seal and alter the same at pleasure; (d) to appoint officers, agents, employees and attorneys, and to fix their compensation; (e) to make by-laws for the management and regulation of its affairs; (f) to make contracts, and to execute all instruments necessary or convenient to lease or purchase and own real or personal property to be used for the furtherance of the purposes for the accomplishment of which said Authority is created; (g) to arrange, sponsor and conduct programs and exhibits in the civic center for the advancement of the cultural, civic and scientific interests and welfare of the citizens of the county and of the municipalities thereof and for the advancement of the humanities; (h) to promote, sponsor and operate in the civic center exhibitions and recreational activities; (i) to charge fees for admission; (j) to lease or sublease to the State of Alabama or any agency, political corporation or subdivision thereof, or to the county or to any municipality of the county, or to other persons any property owned or leased by or under control of the Authority; to purchase or lease real property and rights or easements therein necessary or convenient for its corporate purposes and to use the same so long as its corporate existence shall continue; (k) to accept or receive gifts, bequests and devises; and (l) to do all things necessary or convenient to carry out the powers expressly given herein.

For the aforesaid purposes and for no other purposes the Authority shall be authorized to use and apply the proceeds of any taxes which the Legislature provides shall be payable to the Authority.

Subject to the conditions stated in the sentence next following, the county and each municipality thereof are authorized, but not required, to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties, without authorization by election of the

qualified voters of the county or of the municipality; and subject to the conditions stated in the sentence next following, the county and each municipality thereof are authorized, but not required, to appropriate public funds of the county or of the municipality, as the case may be, to the Authority, to be used by the Authority for purposes hereinabove enumerated. The county shall not lease, sell, donate or convey any property to the Authority, or appropriate any money to the Authority, unless the governing body of the county has determined that such lease, sale, donation, conveyance or appropriation will benefit the people of the county to such an extent as to fully warrant and justify the lease, sale, donation, conveyance or appropriation; and no municipality shall lease, sell, donate or convey any property to the Authority or appropriate any money to the Authority unless the governing body of such municipality has determined that such lease, sale, donation, conveyance or appropriation will benefit the people of the municipality to such an extent as to fully warrant and justify the lease, sale, donation, conveyance or appropriation.

The Authority shall be authorized to invest any of its funds not needed to meet disbursements, in bonds or obligations of the United States of America or to deposit such funds in any bank or building and loan association, provided such deposit is fully insured by a federal corporation or agency of the Federal Government insuring deposits in financial institutions, or secured by a deposit of bonds or obligations of the United States of America.

This act shall not be construed to limit the right, power or authority of any municipality to operate facilities similar to the facilities provided for by this act. Without limiting the generality of the next foregoing sentence, it is expressly provided that this act shall not in any way affect any auditorium, art museum, or other facility presently owned or hereafter acquired by any municipality, whether situated in the civic center or elsewhere.

Section 7. (a) Subject to the conditions, qualifications and restrictions set forth in subsection (b), below, of this Section 7, the Authority shall have the power to borrow money and to issue revenue bonds as evidence of money so borrowed, which bonds shall be payable solely from taxes made payable to the Authority by any act of the Legislature heretofore or hereafter adopted and from the revenues of the Authority derived from the activities, operations and enterprises in which the Authority is hereby authorized to engage. As security for any money so borrowed, together with interest thereon, and any obligations incurred or assumed, the Authority, in its discretion, may mortgage, pledge or otherwise transfer and convey its real, personal and mixed property, or any part or parts thereof, whether then owned or thereafter acquired, including any franchises then owned or thereafter acquired and all or any part of the taxes payable to the Authority under any act of the Legislature heretofore or hereafter adopted and all or any part of revenues derived from the activities, operation and enterprises in which the Authority is hereby authorized to engage. In the resolution authorizing such revenue bonds or the mortgage given to secure the payment thereof, the Authority, in addition to its other powers, shall have the power to agree with the several holders of such bonds and to make, enter into and perform covenants and agreements as to:

- (1) The custody, security, use, expenditure or application of the proceeds of the bonds;
- (2) the conduct, management and maintenance of the properties held by the Authority or of the activities, operations and enterprises then or thereafter conducted by the Authority;

(3) insurance of the properties of the Authority;

(4) restrictions on the exercise of the powers of the Authority to dispose, or to limit or regulate the use, of all or any part of the properties of the Authority;

(5) the payment of the principal of or interest on the bonds the rank or priority of any such bonds as to any lien or security, or the acceleration of the maturities of any such bonds;

(6) the use and disposition of any moneys of the Authority, including taxes payable to the Authority under any act of the Legislature heretofore or hereafter adopted and revenues derived or to be derived from the activities, operations and enterprises of all or any part of the properties of the Authority, including any part or parts theretofore constructed or acquired and any parts, extensions, replacements or improvements thereof thereafter constructed or acquired;

(7) pledging, setting aside, depositing or trusteeing all or any part of the revenues or other moneys of the Authority to secure the payment of the principal of or interest on the bonds, or the payment of expenses of operation or maintenance of the properties of the Authority;

(8) the setting aside of the taxes payable to the Authority under any act of the Legislature heretofore or hereafter adopted and/or use of the revenues or the moneys of the Authority or reserves and sinking funds, and the source, custody, security, regulation, application and disposition thereof;

(9) the assumption or payment or discharge of any indebtedness, liens or other claims relating to any part of the properties of the Authority or any obligations constituting, or which may constitute, a lien on such properties or any part thereof;

(10) limitations on the issuance of additional bonds, notes or other evidences of indebtedness or upon the incurrence of indebtedness of the Authority;

(11) payment of costs or expenses incident to the enforcement of the bonds or of the provisions of such resolution or mortgage, of any covenant or agreement with the holders of the bonds;

(12) the procedure, if any, by which the terms of any covenant or agreement with, or duty to, the holders of the bonds may be amended or abrogated, the amount of bonds, the holders of which must consent thereto, and the manner in which such consent may be given or evidenced;

(13) the terms and conditions upon which the holders of said bonds, or any proportion of them, or any trustees therefor, shall be entitled to the appointment of a receiver by any court of competent jurisdiction, which receiver may enter and take possession of the properties of the Authority and operate and maintain the same and prescribed rates, rents, fees or charges, and collect, receive and apply all revenue arising from the operation of such properties in the same manner as the Authority itself might do; or

(14) any other matter or course of conduct which, by recital in such resolution or mortgage is declared to further secure the payment of the principal of or interest on the bonds.

All such provisions of said resolution or mortgage and of such covenants and agreements, shall constitute valid and legally binding contracts between the Authority and the several holders of the bonds, regardless of the time of issuance of such bonds, and shall be enforceable by any such holder or holders by mandamus or other appropriate action, suit, or proceeding at law or in equity in any court of competent jurisdiction. The circuit court of Alabama, or any court of competent jurisdiction, shall have authority to appoint a receiver for the properties of the Authority, upon the terms and conditions specified in the resolution authorizing the issuance of the bonds or in any mortgage securing the payment of the principal and interest thereof. Any mortgage given as security for the payment of said bonds may contain such agreements as the Authority shall deem advisable respecting the rights and duties of the parties to such instrument or for the benefit of whom such instrument is made, including the right to foreclose or to take possession without foreclosure. Revenue bonds issued under the authority of this section may be in such form and tenor, may bear such rate or rates of interest, and have such maturities and redemption privileges as the Authority shall determine.

Such bonds so issued may thereafter, from time to time, be refunded by the issuance or sale or exchange of refunding bonds at such times and in such forms and of such tenor, maturities or rate or rates of interest as may be agreed upon by the Authority and the holders of the bonds so refunded if such refunding is by exchange, and as may be determined by the Authority if such refunding is by sale of refunding bonds. Such Authority may restrict the source of payment of such bonds and the security given therefor to whatever extent the Authority shall deem advisable, but no such bonds shall purport to be effective to impose on the Authority or its funds or property, any liability in excess of or inconsistent with the liability authorized to be incurred or assumed by this act, or any liability inconsistent with or prohibited by any provision of the Constitution of Alabama. Such borrowing may be effected by sale of such bonds at public sale in such manner and from time to time as may be determined by the Authority to be most advantageous, and the Authority may pay all expenses, premiums and commissions which the Authority may deem necessary and advantageous in connection with any such financing. All such bonds shall be regarded as negotiable instruments. All such bonds and interest payable thereon and all instruments executed as security therefor shall be exempt from all taxation under the laws of the State of Alabama. Neither the county nor any municipality of the county shall in any event be liable for any money so borrowed; and no indebtedness of the Authority shall ever be held to be an indebtedness of the county or of any municipality of the county. The bonds provided for herein shall be issued in the name of the Authority and shall be executed in such name by the chairman of the Board of Directors, attested by the secretary of the board, and thereupon shall be impressed or printed the corporate seal. Coupons attached to said bonds may be executed solely by impressing or printing thereon the facsimile signature of the chairman.

The impressing or printing of a facsimile seal of the Authority shall be sufficient; but no seal on the coupons shall be required.

(b) The power vested in the Authority to pledge taxes required by this act to be paid to the Authority or to pledge revenue of the Authority shall not be construed as undertaking or purporting to empower the Authority to pledge any tax or any revenue if such pledge is prohibited by any provision of the Constitution of Alabama. It is expressly provided, however, that the Authority shall have the power to pledge any tax paid to the Authority or revenue of the Authority, the pledge of which is authorized by the Constitution of Alabama.

Section 8. Each Civic Center The Authority heretofore or hereafter incorporated in any County having a population of more than 500,000, according to the last or any subsequent Federal census, pursuant to Act No. 547, enacted by the Legislature of Alabama at its 1965 Regular Session, approved August 20, 1965 (Acts of 1965, p. 797 et seq.) as amended, is hereby granted the power and authority, in addition to the power and authority heretofore granted by act of the Legislature or by amendment to the Constitution, to borrow money from time to time for any corporate purpose and to issue its negotiable promissory note or notes to mature not later than three years from date of issue, as evidence of its obligation to repay the money so borrowed, with interest thereon, such notes to be payable solely (i) from one or more of the sources from which bonds authorized by said Act No. 547 or by Amendment CCLXXX to the Constitution (which was proposed by Act No. 279 enacted by the Legislature of Alabama at its 1967 Regular Session) are payable and, if the note or notes shall be issued to provide funds for a purpose for which such bonds are authorized to be issued; also (ii) from the proceeds of any like promissory notes or bonds which may be issued to fund or refund such promissory notes. Any such Civic Center The Authority shall have the same power and authority with respect to such negotiable promissory notes as those which were granted to it with respect to the issuance of bonds by Section 7 of said Act No. 547 and by said Amendment CCLXXX to the Constitution; provided, however, that such promissory notes may be placed or sold at private negotiated sale without competitive bidding, and such negotiable promissory notes may be executed without the seal of such Civic Center Authority being affixed thereto.

Section 9. (a) Legislative findings and declared purposes of this act. The Legislature has found and determined that in any county having a population of 500,000 or more the following conditions exist: (1) That there is a great metropolitan area extending over a substantial portion of the territory lying within the boundaries of the county; (2) that in the County there is a large number of municipalities, with the municipalities being contiguous to each other in many instances; (3) that it is to the interest of the citizens of the County that there be established at the county seat a civic center; (4) that such civic center, though located in one municipality, will be a great cultural asset and constitute a great civic betterment for all people of the County, which will be to the interest of all of the people of the County; (5) That it is desirable that there be established in every county of the State having a population of 500,000 or more, according to the last or any subsequent Federal census, a public corporation vested with the power to establish, operate, control and maintain a civic center to be situated in that municipality of the county wherein the county seat is located, (6) that it is necessary that the said corporation be provided funds to enable it to accomplish the purpose for which it is created; and (7) that it is desirable that the taxes provided for in this act be levied and paid to the said corporation to enable the said corporation to establish, operate, control and manage the civic center, as aforesaid. The Legislature declares that it is the purpose of this act to further the for the purposes of the establishment, maintenance and operation of a civic center in the county by the said corporation by levying the taxes are hereby herein levied and providing for the payment of said taxes to the said corporation., payable to the said corporation, as set out in this section.

(b) In addition to the definitions prescribed in Section 2 of this act, the words and terms defined in this section shall have the meanings respectively ascribed to them herein unless it is apparent from the context that a different meaning is intended. The word "County" shall mean any county to which this act applies. The term "county seat" shall mean the municipality wherein the

county seat of the County is situated. The term "Authority" shall mean the public corporation created by an act of the Legislature, heretofore or hereafter adopted, in every county of the State having a population of 500,000 or more, according to the last or any subsequent Federal census, for the purpose of establishing, maintaining and operating a civic center in the county seat of any such county. The term "Director of Revenue" shall mean that officer or employee of the county chargeable with the duty of collecting county licenses or privilege taxes, whether such officer be the Probate Judge of the county, the Director of the Department of Revenue of the county, the License Commissioner or License Inspector of the county or some other officer or employee of the county. The term "transient" shall mean a person renting a room for a period of less than thirty (30) continuous days in a hotel, motel, inn, tourist court, or in any other place or establishment in which rooms, lodgings or accommodations are furnished for a consideration. The term "tobacco products" shall mean cigarettes and smoking tobacco. The word "person" shall mean and include a natural person, a corporation, a partnership, an association or any other entity. The masculine shall include the feminine and neuter; and the neuter shall include the masculine and the feminine. The term "effective date of the taxes" means the date on which the taxes levied by this act shall become effective, or go into effect, as specified in Section 4 subsection (c) of this section of this act.

(c) The taxes levied by this act shall become effective, or go into effect, on the first day of the calendar month next following that calendar month in which there is adopted an act creating in every county of the State having a population of 500,000 or more, according to the last or any subsequent Federal census, a public corporation for the purpose of establishing, maintaining and operating a the Birmingham-Jefferson County Civic Center in the county seat of said county provided, however, that if the last mentioned act has been enacted prior to this act becoming a law, then the taxes levied by this act shall become effective, and go into effect, on the first day of that calendar month next following the calendar month in which this act becomes a law.

(d) Before the 20th day of each calendar month the Director of Revenue shall pay to the Authority all of the licenses and privilege taxes hereinafter levied by this act section received by him during the next preceding calendar month, less the amount which subsection (e) this Section 5 of this act section provides that the Director of Revenue shall retain for enforcing and administering this act and for collecting the said taxes. To reimburse the county for the expenses incurred by it in enforcing and administering this act and collecting the said taxes, the Director of Revenue shall withhold an amount equal to one per cent (1%) of all taxes received by him; and he shall pay the amount so withheld by him into the general treasury of the county not later than the 20th day of the calendar month next succeeding the calendar month in which he received the taxes from which said amount is withheld.

(e) (i) Commencing on the effective date of the taxes, (as herein specified in Section 4 of this act), in addition to all other taxes imposed by law there is hereby levied and shall be collected by the Director of Revenue, as herein provided, a privilege or license tax in the amount hereinafter prescribed against every person engaging in the county in the business of renting or furnishing any room or rooms, lodging or accommodations, to any transients in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration. The Director of Revenue shall pay all taxes collected under this Section 6 act to the Authority within the time prescribed by Section 5

subsection (d) herein of this act less the amount thereof which said Section 5 requires the Director of Revenue is required to pay to the treasury of the county. The amount of the tax shall be equal to one per cent (1%) of the charge for such room, rooms, lodgings or accommodations, including the charge for use or rental of personal property and services furnished in such room or rooms. Commencing on the effective date of the taxes, there is also hereby levied, in addition to all other taxes now imposed by law, a privilege or license tax, in the amount hereinafter prescribed, against every person engaged in the county in the business of renting or furnishing space for accommodation of trailers. The amount of the last mentioned tax shall be equal to one per cent (1%) of the charge for such trailer space.

There are exempted from the provisions of the tax levied by this subsection Section 6 and from the computation of the amount of the tax levied or payable hereunder the following: (a) (1) Charges for property sold or services furnished which are required to be included in the tax levied by Act No. 100 of the Second Special Session of 1959 of the Legislature of Alabama (Ala. Acts 1959, page 298, et seq.) as amended, said Act being commonly referred to as the "State Sales Tax Act"; (b) (2) boarding houses, tourist homes and similar establishments regularly offering less than five (5) rooms for rental to transients; (c) (3) charges for the rental of rooms, lodgings or accommodations furnished by any hospital, nursing home, convalescent home or by any charitable or eleemosynary institution; (d) (4) Charges for the rental rooms, lodgings or accommodations to a person for a period of thirty continuous days or more; (e) (5) charges for the renting or furnishing of space for the accommodation of a trailer to a person for a period of thirty (30) continuous days or more.

(ii) In addition to all other taxes now imposed by law, after the effective date of the taxes, and in addition to the taxes prescribed in subsection (e) (i) of this section, every person who sells, stores or delivers any cigarettes or smoking tobacco in the county shall pay a license tax in the amount hereinafter prescribed to the Director of Revenue. The Director of Revenue shall pay all of the taxes collected by him under this Section 6 subsection (d) herein, of this act less the amount which said Section 5 requires the Director of Revenue is required to withhold and to pay to the treasury of the county. Commencing on the effective date of the taxes there is hereby levied a license tax on the sale, storage or delivery of packages of cigarettes at the following rate or rates: two cents (\$0.02) on each package of cigarettes containing not more than twenty (20) cigarettes and two cents (\$0.02) for each additional twenty (20) cigarettes or fractional part thereof in such package sold, stored or received for the purpose of distribution or sale to any person within the county. A license tax is hereby fixed, created and levied on the sale, storage or delivery of smoking tobacco sold, stored or received for the purpose of distribution or sale to any person within the county at the following rate or rates: upon each package containing not more than 1-1/8 ounces of smoking tobacco, 1/2 cent (\$0.005); each package over 1-1/8 ounces and not exceeding 2 ounces, 1-1/2 cents (\$0.015); and over 2 ounces and not exceeding 3 ounces, 2-1/2 cents (\$0.025); and over 3 ounces and not exceeding 4 ounces, 3-1/2 cents (\$0.035); and 1 cent (\$0.01) additional for each ounce or fractional part thereof over 4 ounces. When the additional license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes or smoking tobacco, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes or smoking tobacco. The tax levied by this act subsection shall be paid by the use of stamps as herein provided.

Before any cigarettes or smoking tobacco shall be sold within the limits of the county by any wholesaler or dealer, such wholesaler or dealer shall affix to each package of cigarettes or smoking tobacco a stamp or stamps obtained from the Director of Revenue of the county in the amount set forth in this Section 6, subsection, in payment of the license taxes imposed by this act; provided, however, on each package of cigarettes containing five (5) or less cigarettes, where such package is designed by the manufacturer as a sample package and is used for sampling purposes, and where such sample package containing five (5) or less cigarettes is packed in cartons by the manufacturer, there is hereby fixed, created and levied a license tax in the amount of two cents (\$0.02) for each twenty (20) cigarettes or fractional part thereof packed in the total packages contained in such carton. Such tax shall be paid by the use of stamps as herein provided; and the said stamps shall be affixed to the outside of the carton containing said cigarettes at the rate of two cents (\$0.02) for each 20 cigarettes or fractional part thereof contained or packaged in such carton. The stamps affixed to the carton, in accordance with the next foregoing sentence, shall be cancelled in the same manner as other stamps are cancelled as herein provided, and the person affixing such stamps shall stamp or write on the carton the name of the dealer or wholesaler, or other person responsible for the distribution of such sample packages of cigarettes, along with the date the stamps are affixed or cancelled. It shall be unlawful for any person to sell or offer to sell, barter or offer to sell or barter, any cigarettes that were packaged by the manufacturer and intended for sampling purposes.

Every dealer shall within one hour after receipt of any cigarettes or smoking tobacco within the county, unless sooner offered for sale, cause stamps in the requisite amount of the tax to be affixed as herein provided, and shall cause the same to be cancelled by writing or stamping across the face of each stamp a registered number furnished such dealer by the Director of Revenue of the county. After such stamping has begun, it shall be continued with reasonable diligence by such dealer until all the unstamped cigarettes or smoking tobacco have been stamped and the stamps cancelled as herein provided; but no stamps required to be affixed to any package of cigarettes or smoking tobacco shall, after the same has been affixed as herein provided, be again used in payment of any part of the tax levied by this act. Such stamps shall be affixed to each individual package of cigarettes or smoking tobacco in such manner that its removal will require continued application of water or steam; and in such a way that the stamp will be torn in two or mutilated when the package is opened. Where cigarettes or smoking tobacco become unsalable, due to deterioration, molding, burning, aging, or any other cause or causes and tobacco stamps have previously been affixed to the said tobacco product subject to the tax and such tobacco products are in the possession of the wholesale dealer and have not been sold by him, the wholesale dealer may remove the tobacco stamps intact on the tobacco products and deliver the same to the Director of Revenue together with a sworn affidavit that the tobacco products from which the tobacco stamps were removed were unsalable and have been destroyed or returned to the manufacturer. The Director of Revenue shall then deliver to the said wholesale dealer an equivalent amount or number of unused tobacco tax stamps and shall destroy the tobacco tax stamps delivered to him by the dealer for exchange.

Every person who sells or stores or receives for the purpose of sale or distribution any article containing tobacco enumerated in this act shall add the amount of the license or privilege tax levied and assessed herein to the price of the article, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer with the person who sells or stores

or receives any such article for the purpose of selling or distributing the same being constituted by this act as agent of the Director of Revenue for the collection of the tax. The dealer, storer, or distributor shall state the amount of the tax separately from the price of the article on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the article. It shall be unlawful for any dealer, storer, or distributor engaged in or continuing within the county in the business for which the tax is herein required, to fail or refuse to add to the sales price and collect from the purchaser the amount due by the taxpayer on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected, or to absorb or advertise directly or indirectly the absorption of the tax or any portion thereof.

The governing body of the county is hereby authorized and directed to have prepared and purchased stamps suitable for denoting the tax on all cigarettes or smoking tobacco subject to this act. The stamps shall be delivered to the Director of Revenue of the county who shall keep on hand for sale an adequate quantity of stamps to be affixed to each package of cigarettes or smoking tobacco subject to the tax herein levied. Anything to the contrary hereinabove notwithstanding, the governing body of the county is hereby authorized to purchase and use stamps for the collection of the taxes hereby imposed, which will enable the Director of Revenue to collect not only the taxes levied by this act on tobacco products but also taxes on tobacco products payable to the county and levied by any other act of the Legislature heretofore or hereafter adopted. In the event the governing body of the county elects to provide for the use of one form of stamp to effect the collection of any tax on tobacco products payable to the county in addition to the tax levied by this act, the governing body of the county shall have the authority to determine the words to be inscribed on the said stamps evidencing payment of all taxes payable to the county on tobacco products. Said stamps may be sold to the wholesale dealer by the Director of Revenue at the reduced price of ninety per cent of the full amount thereof, the reduced price from the full amount constituting compensation to the wholesale dealer for the labor of affixing them to the said tobacco products. Every person except such wholesale dealer must pay the full amount of the tax represented by said stamps purchased by him.

Every wholesale dealer at the time of selling and/or delivering any cigarette or smoking tobacco into the county shall make a true duplicate invoice of the same which shall show full and complete details of the sale and/or delivery of such tobacco products and shall also show the name and address of the purchaser thereof, and such wholesale dealer shall retain the same subject to the use and inspection of the Director of Revenue or his duly authorized deputy for a period of three years. Such wholesale dealer shall at the time of selling and/or delivering such tobacco products into any county not subject to the provisions of this act make a true duplicate invoice of the same, which invoice shall show such sales of tobacco products in the county not subject to the provisions of this act but shall not include or be required to include sales of other articles or sales of tobacco products into any county subject to the provisions of this act. Such invoices shall show full and complete details of the sale and/or delivery of such tobacco products into any county not subject to the provisions of this act, including the name or names and addresses of the purchasers, and said wholesale dealer shall retain the same subject to the use and inspection of the Director of Revenue or his duly authorized deputy for a period of three years. Wholesale and retail dealers shall also keep a record of the purchase, sale, exchange, and/or receipt of all the aforesaid tobacco products and hold all books, records, cancelled checks

and all other memoranda pertaining to such purchase, sale, exchange, and/or receipt for the period mentioned herein subject to the inspection of the Director of Revenue or his duly authorized deputy, who shall have the power and authority to enter upon the premises of any dealer and to examine such cigarettes or smoking tobacco, books, records and memoranda at all reasonable times. Any person who purchases and/or receives, in any manner whatsoever, any cigarettes or smoking tobacco which do not have affixed a stamp required by this act shall within three (3) days after receipt of such cigarettes or smoking tobacco report the receipt and purchase of same to the Director of Revenue, giving the date of purchase or receipt, the name of the person or firm from whom purchased or received, and a list describing the brand and quantity of cigarettes or smoking tobacco so purchased or received. Such report must be made by registered mail or in person. It shall be unlawful for any person to interfere or obstruct the Director of Revenue or his authorized deputy. The Director of Revenue or his authorized deputy shall have authority to seize any and all packages of cigarettes or smoking tobacco not properly stamped as provided for by this act, provided that this provision shall not apply to cigarettes or smoking tobacco in the possession of wholesale dealers or jobbers kept for the purpose of resale or reshipment into any county not subject to the provisions of this act. After such seizure, the Director of Revenue shall commence condemnation proceedings by filing a bill in equity in the circuit court of the county, praying that the cigarettes or smoking tobacco not properly stamped as provided for by this act be forfeited and sold. Any person in whose possession said cigarettes or smoking tobacco have been found or who shall claim to own the same, or any interest therein, shall be made a party defendant to said bill, and thereupon such matter shall proceed and be determined in equity in the circuit court of the county. If the cigarettes or smoking tobacco are condemned and forfeited as being in violation of this act, the court shall direct in its decree that said cigarettes or smoking tobacco shall be delivered to the purchasing agent of the county to be sold by said purchasing agent at public outcry to the highest bidder for cash, after three (3) days' notice of such sale by posting a notice on any bulletin board located within the courthouse of any division of the county where said cigarettes or smoking tobacco were received. The purchasing agent shall pay the proceeds of such sale to the Director of Revenue who shall distribute such proceeds in the same manner as he distributes taxes paid to him under this act. From any decree and judgment of the circuit court, in equity, condemning any such cigarettes or smoking tobacco, any party or parties aggrieved thereby may appeal to the Court of Appeals of Alabama, within fifteen (15) days from the date of such decree or judgment, upon giving security for the cost of such appeal. From any judgment or decree of the circuit court, in equity, denying the condemnation and seizure of any such cigarettes or smoking tobacco, the Director of Revenue of the county may likewise appeal within fifteen (15) days without giving any bond. When any person or the Director of Revenue appeals the tobacco products involved shall remain in the custody of the Director of Revenue until a final determination of the cause on appeal. Upon any decree of condemnation and seizure, the court shall direct that the cost of the proceedings be paid by the person in whose possession said tobacco products were found, or by any person or parties who claim to own the same, or any interest therein, and who contests its condemnation and seizure.

Among others the following acts and omissions shall be unlawful: (1) It shall be unlawful for any person required by this act to affix stamps to cigarettes or smoking tobacco to fail to affix such stamps or to cancel stamps in the manner or within the time required by this act. (2) It shall be unlawful for any person to sell, offer for sale or deliver within the county any cigarettes

or smoking tobacco to which stamps have not been affixed and cancelled as provided by this act. (3) It shall be unlawful for any person to have in his possession or under his control a package of cigarettes or smoking tobacco not properly stamped as required by this act for more than six hours after receipt of such cigarettes or smoking tobacco on the premises of such person, provided that this act shall not apply to cigarettes or smoking tobacco in the possession of wholesale dealers or jobbers kept for the purpose of resale or reshipment outside a county subject to the provisions of this act and which products are actually so resold or reshipped. (4) It shall be unlawful to manufacture, buy, sell, offer for sale, or possess, or to attempt any reproduction or counterfeit of the stamps provided for in this act or to possess tools, implements, instruments, or materials of any kind necessary or appropriate to reproduce or counterfeit such stamps or to alter or cause to be altered any stamp herein provided for. (5) It shall be unlawful to remove from a package of cigarettes or smoking tobacco or otherwise prepare any stamp with intent to use or cause the same to be used after it has already been used; to buy, sell, or offer for sale, or give away any washed, removed, altered, or restored stamp to any person or to have in possession any such washed, or removed, or restored, or altered stamp or for the purpose of indicating the payment of any tax hereunder, to re-use any tax stamp which has heretofore been used for the payment of any tax provided in this act, or, except as to the Director of Revenue, to sell any stamp provided for herein. (6) It shall be unlawful to re-use or refill with cigarettes or smoking tobacco any package from which cigarettes or smoking tobacco theretofore tax paid have been removed. (7) It shall be unlawful for any person to fail to pay any tax levied by this act within the time specified for the payment of the same by the act.

(iii) Any person violating any of the provisions of this act, or doing any act made unlawful by the terms of the act, shall upon conviction be punished by fine of not more than five hundred dollars (\$500) and may also be sentenced to hard labor for the county by not exceeding six (6) months, either or both, unless a different punishment is prescribed herein.

Upon a person being convicted the second time of a violation of this act he shall be fined not less than One Hundred Dollars (\$100) and may be sentenced to hard labor for the county for not exceeding six (6) months, either or both, and his license to engage in the business of renting or furnishing any room or rooms, lodging or accommodations to any transient in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration, or to engage in the tobacco business, as the case may be, may be suspended by the Court for thirty (30) days. Upon a person being convicted the third time of a violation of this act he shall be fined not less than Two Hundred Dollars (\$200) and may be sentenced to hard labor for the county for not exceeding six (6) months, either or both, and his license to engage in the tobacco business may be suspended by the Court for sixty (60) days. Upon a person's fourth or any subsequent conviction of a violation of this act he shall be fined not less than Five Hundred Dollars (\$500) and may be sentenced to hard labor for the county for not exceeding six (6) months, either or both, and his license to engage in the tobacco business shall be revoked by the Court.

(f) The taxes levied by this act Section 6, except as otherwise provided herein, shall be due and payable on or before the 20th day of the month next succeeding the month in which the tax accrues. On or before the 20th day of each month after the effective date of the taxes every person on whom the tax is levied by this Section 6 and imposed shall render to the Director of Revenue on a form prescribed by him, a true and correct statement showing the gross

proceeds of the business subject to the said tax for the then preceding month, together with such other information as the Director of Revenue may demand and require; and at the time of making such monthly report the taxpayer shall compute and pay to the Director of Revenue the amount of taxes shown to be due; provided, however, that any person subject to the tax who conducts any business on a credit basis may defer reporting and paying the tax until after said person has received payment for the items, articles or accommodations furnished; and in the event he so defers reporting and paying any such taxes he shall thereafter include in each monthly report all credit collections made during the then preceding month and shall pay the amount of taxes computed thereon at the time of filing such report.

(g) It shall be the duty of every person engaged or continuing in any business subject to the taxes levied by this Section 6 act to keep and preserve suitable records of the gross proceeds of such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable under the provisions of this act. Such records shall be kept and preserved for a period of five (5) years and shall be open for examination at any time by the Director of Revenue or by any duly authorized agent, deputy or employee of the said Director.

(h) Any person who fails to pay the tax levied by this Section 6 act within the time required by this act shall pay in addition to the tax a penalty of ten per cent (10%) of the amount of tax due, together with interest thereon at the rate of one-half of one per cent ($1/2$ of 1%) per month or fraction thereof from the date on which the tax became due and payable, such penalty and interest to be assessed and collected as a part of the tax; provided, however, that the Director of Revenue may, if good and sufficient reason be shown, waive or remit the penalty or any portion thereof.

(i) None of the provisions of this act section shall be applied in such manner as to violate the commerce clause or other clauses of the Federal Constitution or any clause of the Constitution of Alabama. Should any provision of this act be held invalid, the invalidity thereof shall not affect the remaining provisions of the act.

Section 10. (a) (1) Definitions. In addition to the definition prescribed in Section 2 and 9 (b) of this act, as used herein the following words and terms have the meanings hereby ascribed to them. "ABC law" means Chapter 1 3, Title 29 28, Code of Alabama of 1940 1975, as amended, which establishes and governs the alcoholic beverage control board; "the Board" means the alcoholic beverage control board; "Authority" means a civic center authority heretofore or hereafter established by and under Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts 1965, pages 797, et seq.) (Appendix, Sections 1049 (78) to 1049 (84), and any board or commission created by ordinance by any municipality within the state Jefferson County for the purpose of operating a the civic center; "the Civic Center" means the civic center established by the authority under Section 6 of said Act No. 547 (Appendix, Section 1049 (83), and also, any civic center operated by a board or commission created by ordinance by any municipal corporation within the state for the purpose of operating a civic center; "restaurant liquor license" means the restaurant license for which the ABC law provides; "Civic Center liquor license" means the license which the act provides for issuance to an the authority. Any word or term used herein which is defined in the ABC law shall have the same meaning as that law ascribes to said word or term.

(b) The Board shall be authorized to issue a civic center liquor license to any authority operating a civic center located in a city the Board of Directors of the Authority where a "restaurant" or "club" liquor license is otherwise authorized by law, which license shall entitle the Authority to purchase liquor from an Alabama liquor store and, subject to the provisions of the ABC law and the regulations made thereunder, not in conflict with the ABC law or with this Act, to keep and sell in any part of its Civic Center for consumption therein any such liquor and also any malt or brewed beverages or vinous beverages the holder of a restaurant liquor license is entitled to keep and sell.

(c) When any license is issued pursuant to this act to an authority created by municipal ordinance, the City Council or like governing body of the City of Birmingham wherein a civic center is located shall have the authority and the duty to fix reasonable rules and regulations for the sale of alcoholic beverages in such the civic center, including rules and regulations as to times and places wherein alcoholic beverages may be sold within such the civic center, and the types of meetings and functions at which the same may be sold.

(d) Except as amended by this Act, the laws of the State and the regulations of the Board shall apply to any Authority in its operations under a Civic Center liquor license.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws and parts of laws, whether general, special or local, in conflict with the provisions of this act are hereby repealed to the extent of such conflict; provided, however, it is not intended by the provisions of this section to repeal or affect in any way the privilege or license tax levied by Act No. 248, Acts of Alabama 1955, Volume 1, page 586, as amended by Act No. 269, Acts of Alabama 1963, Volume 2, page 715, but to construe the provisions thereof except as herein provided. It is specifically intended that all constitutional provisions relating to the Birmingham-Jefferson County Civic Center shall remain in force and effect.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Biddle, Cabaniss, Carothers, Clark (W), Cosby, Crow, Dial, Drinkard, Edwards, Gafford, Gilmer, Grouby, Hall, Harper (O), Johnson (R. G.), Laird, Mitchell, Moore, Naramore, Olive, Pegues, Reed, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Ward, Warren, Whatley, Williams and Willis.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 48 as thus amended, was again read a third time at length and passed.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Biddle, Buskey, Cabaniss, Carothers, Clark (W), Cosby, Crow, Drinkard, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Harper (O), Johnson (R. G.), Kennedy, Laird, Lewis, Mitchell, Naramore, Olive, Pegues, Reed, Shoemaker, Stewart, Trammell, Ward, Warren, Whatley, Williams and Willis:

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Minus:

H. R. 264. CONGRATULATING MR. AND MRS. GRADY STEPHEN ADAMS ON THEIR RECENT MARRIAGE.

Also:

The following resolution was introduced:

By Rep. Minus:

H. J. R. 265. COMMENDING MORRIS MEADOR ON HIS INDUCTION INTO THE U.S.M. SPORTS HALL OF FAME.

WHEREAS, the University of Southern Mississippi inducted Morris Meador into the U.S.M. Sports Hall of Fame on Saturday, April 26, 1980; and

WHEREAS, Alabamian Morris Meador graduated from Choctaw County High School where he lettered in three sports and was captain of his football team; upon graduation, he was awarded a football scholarship to the University of Southern Mississippi; and

WHEREAS, Mr. Meador performed admirably as a starting defensive halfback, punter and as an alternate starter quarterback on U.S.M. teams that combined for a 20-10 record; and

WHEREAS, Morris Meador led his team as captain during his senior year and also provided leadership to the Lettermen's Club and other worthwhile campus organizations; and

WHEREAS, Morris Meador's post collegiate career is likewise outstanding; signing with the Denver Broncos of the AFL in 1962, he later served in the United States Army, then returned to Alabama and Choctaw County where he now operates a successful cattle and lumber business; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we heartily commend Mr. Morris Meador on his recent induction into the University of Southern Mississippi's Sports Hall of Fame.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Meador that he may know of our respect, admiration and high regard.

On motion of Rep. Minus, the rules were suspended and the resolution, H. J. R. 265, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Hammett:

H. R. 266. MOURNING THE DEATH OF CHARLES S. NEWMAN.

Also:

By Rep. Hammett:

H. R. 267. MOURNING THE UNTIMELY DEATH OF JAMES W. MEADOWS OF ANDALUSIA, ALABAMA.

Also:

By Rep. Hammett:

H. R. 268. COMMENDING HARRIS RABREN ON HIS OUTSTANDING ATHLETIC CAREER.

Also:

The following resolutions were introduced:

By Rep. Venable:

H. J. R. 269. PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1980 REGULAR SESSION OF THE LEGISLATURE WHEN A DATE IS NOT OTHERWISE SPECIFIED.

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That an election upon all constitutional amendments proposed by an act of the 1980 Regular Session of the Alabama Legislature is ordered to be held, not less than three months after final adjournment of the said 1980 Regular Session, on November 4, 1980, unless the original act proposing the constitutional amendment sets the date to coincide with another state-wide primary, general or special election held not earlier than after the expiration of three months from date of final adjournment of the 1980 Regular Session.

BE IT FURTHER RESOLVED, That when an act proposes an election on a constitutional amendment at one of several elections, the Governor and Secretary of State shall consult with the primary sponsor of the act before setting an election on said amendment.

On motion of Rep. Venable, the rules were suspended and the resolution, H. J. R. 269, was adopted.

Also:

By Reps. Sandusky, Zoghby, Kennedy, Turner, Bedsole, Clark (W), Buskey, Harper (T) and McMillan:

H. J. R. 270. MOURNING THE DEATH OF MARTHA B. STEWART.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of Martha B. Stewart of Mobile, Alabama, on April 25, 1980; and

WHEREAS, Mrs. Stewart was a native of Elberta, Michigan and a resident of Mobile for thirty-eight years; and

WHEREAS, Mrs. Stewart was a longtime member of Saint Luke's Episcopal Church; and

WHEREAS, Mrs. Stewart is survived by her sister, Mrs. Fred McDuffie of Dothan; and two sons, Lt. Colonel William C. Stewart of Montgomery and the Honorable George Stewart, State Representative of Mobile; and

WHEREAS, Further, Mrs. Stewart is survived by her sister and brother, and thirteen grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Martha B. Stewart of Mobile, Alabama, and express our deepest sympathy to all her family.

BE IT FURTHER RESOLVED, That in evidence of our shared sorrow, a copy of this resolution be sent to Representative George Stewart and other family members.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 270, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the Special Order Calendar.

And the bill:

S. 440. To provide that the City of Prichard shall be divided into five districts by the Probate Judge of Mobile County, and he shall certify the boundaries of the same to the Prichard City Council; and the members of the Prichard Council shall be elected by districts with one member being elected by each district and each council member shall be a resident of the district from which he is elected; and this Act shall be effective for the municipal election in 1980 and thereafter; and to provide for redistricting after each future federal census.

Was taken up.

S. 440 INDEFINITELY POSTPONED

On motion of Rep. Buskey, the bill, S. 440, was indefinitely postponed.

And the bill:

S. 129. Relating to Macon County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Was read a third time at length and passed.

Yeas 29; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Blake, Buskey, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Drinkard, Edwards, Ford, Gilmer, Hall, Harper (O), Laird, Manley, Mitchell, Naramore, Pegues, Reed, Sasser, Turner and Willis.

—29

Nay: Rep. Whatley.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1045. An Act relating to Geneva County; providing the county governing body may supplement the salary of the District Judge from the County General Fund up to Five Thousand Dollars (\$5,000.00) per annum.

Was taken up.

H. 1045 INDEFINITELY POSTPONED

On motion of Rep. Daniels, the bill, H. 1045, was indefinitely postponed.

And the bill:

H. 1070. Relating to Montgomery County; providing for purging the names of ineligible county voters; providing for the procedure for the re-identification of qualified registered voters; placing certain duties on the board of registrars and judge of probate and county governing body relative to the re-identification process; providing a similar re-identification process following each decennial census year; and providing that willful false statements shall be punishable as perjury under the general laws of the state.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 27; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Barton, Bennett, Blake, Cheatwood, Cobb, Crow, Drinkard, Ford, Goodwin, Hall, Harper (O), Laird, McKee, Mitchell, Olive, Owens, Reed, Sasser, Stewart, Turner, Ward, Whatley, Willis, Wyatt and Zoghby.

—27

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1066. Applying only to Shelby County; regulating and identifying certain mobile homes; providing for the use of decals for such purpose; and providing fees and penalties.

Was taken up.

AMENDMENT OFFERED

Rep. Moore offered the following amendment to the bill, H. 1066:

Amend H. B. 1066 by inserting in Section 2, Line 33, the following new sentence:

"It is not the intent of this act to include mobile homes carried in a mobile home dealers' inventory which are for sale."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Drinkard, Edwards, Ford, Grouby, Hall, Harper (O), Lewis, Manley, Minus, Mitchell, Moore, Olive, Pegues, Sasser, Seibels, Smith (C), Stewart, Turner, Waggoner, Ward, Whatley, Williams and Willis.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 1066 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Blake, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Drinkard, Edwards, Ford, Grimsley, Hall, Harper (O), Laird, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Pegues, Sasser, Seibels, Smith (C), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1067. To promote the maintenance of Shelby County's natural beauty by eliminating unsightly and unhealthy litter; to provide for the dissemination in Shelby County of information pertaining to laws relative to littering and penalties therefor; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant authority to the Shelby County Commission or other like governing body to establish and appoint, for the enforcement of littering laws in Shelby County, an agency and personnel empowered with the authority of peace officers as defined by state law for the primary purpose of enforcing littering laws and other laws relating to littering in Shelby County; to grant authority to the Shelby County Health Department to enforce littering laws in Shelby County, and to provide for a means to plea to the public to heed such laws and to help to eliminate litter in such county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Biddle, Blake, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Drinkard, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Hall, Harper (O), Laird, Langford, Lewis, McKee, Manley, Minus, Moore, Naramore, Olive, Ray, Reed, Sasser, Smith (C), Stewart, Trammell, Turner, Venable, Ward, Whatley, Williams, Willis and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1097. Relating to Russell County; providing further for the compensation of the tax collector.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Carter, Cheatwood, Clark (G), Cosby, Crow, Drinkard, Ford, Goodwin, Grimsley, Grouby, Hall, Harvey, Laird, Langford, Manley, Minus, Mitchell, Naramore, Olive, Pegues, Ray, Smith (C), Stewart, Ward, Whatley, Williams and Willis.

—33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1098. Relating to Russell County; amending further Act No. 925, H. 1333, 1969 Regular Session (Acts 1969, p. 1663), which established a law library, so as to provide further for the expenditure of library funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Blake, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Drinkard, Edwards, Ford, Goodwin, Grimsley, Grouby, Hall, Harper (O), Laird, Langford, McKee, Manley, Minus, Mitchell, Namore, Olive, Pegues, Ray, Sasser, Smith (C), Stewart, Trammell, Ward, Whatley, Williams, Willis and Wyatt.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1100. Relating to Russell County; to provide that the county commission may authorize a salary supplement for the county district attorney.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Blake, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harvey, Kennedy, Laird, Langford, Letson, McKee, Manley, Minus, Mitchell, Namore, Owens, Pegues, Ray, Reed, Sasser, Smith (C), Stewart, Turnham, Ward, Whatley, Williams, Willis and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 564. (With Amendment): To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of

said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend S. B. 564, page 10, Section 6, subsection 7, line 18 after the word "bonds" by adding the following: , bills or notes

Further amend S. B. 564, page 10, Section 6, subsection 7, line 23 after the word "to" by striking forty percent (40%) and adding in lieu thereof the following: sixty percent (60%)

Further amend S. B. 564, page 10, Section 6, subsection 7, line 25 after the word "stock" by adding the following:

, annuities and/or

And the amendment was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Biddle, Blake, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Drinkard, Ford, Goodwin, Grouby, Hall, Hammett, Harper (O), Harvey, Kennedy, Laird, Langford, Letson, Manley, Minus, Mitchell, Naramore, Olive, Payne, Pegues, Ray, Reed, Sasser, Smith (J), Stewart, Trammell, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 564, as thus amended, was read a third time at length and passed.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Barton, Bennett, Biddle, Blake, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Drinkard, Ford, Gafford, Goodwin, Grouby, Hall, Hammett, Harper (O), Harvey, Kennedy, Laird, Langford, Letson, McKee, Manley, Moore, Naramore, Olive, Payne, Pegues, Ray, Sasser, Smith (C), Stewart, Trammell, Turnham, Venable, Ward, Whatley, Willis, Wyatt and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 977. Relating to Jackson County; to allow the county commission to contribute a certain amount of public funds to certain rescue squads in the county and to establish a county board of directors to qualify such squads to receive such contributions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Biddle, Blake, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Edwards, Goodwin, Grouby, Hammett, Harper (O), Harvey, Horn, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Payne, Pegues, Ray, Reed, Riddick, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—55

And the bill:

H. 1054. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro in Jackson County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Biddle, Blake, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Edwards, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harvey, Johnson (R. G.), Kennedy, Laird, Langford, Letson, Lewis, Manley, Minus, Mitchell, Naramore, Olive, Payne, Pegues, Ray, Reed, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Turner, Turnham, Venable, Ward, Whatley, Williams, Willis and Wyatt.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 637. (With Amendment): Relating to Jackson County; providing further for the election of the county superintendent of education and members of the county board of education; prescribing certain residential qualifications for said superintendent and such members and providing for supplemental effect.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

In the Title, line 17, after the word "members", strike the word "and" and insert a comma.

In the Title, line 17, strike the period and add the following language:
, and providing for its effective date.

In Section 2, lines 27 and 28, strike the language between the words "reside" and "Jackson" and insert in lieu thereof:

in

In Section 4, lines 35 and 36, strike all language and insert in lieu thereof:

on January 1, 1981

And the amendment was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Biddle, Blake, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Edwards, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harvey, Kennedy, Laird, Langford, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Pegues, Ray, Reed, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—53

And the bill:

H. 637. Relating to Jackson County; providing further for the election of the county superintendent of education and members of the county board of education; prescribing certain residential qualifications for said superintendent and such members, providing for supplemental effect, and providing for its effective date.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Biddle, Blake, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Hammett,

Harper (O), Harvey, Horn, Kelley, Kennedy, Laird, Langford, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Pegues, Ray, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—54

And the bill:

H. 395. Relating to Jackson; to provide further for an annual salary for the chairman of the County Commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Bowling, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, Manley, Minus, Mitchell, Naramore, Owens, Pegues, Ray, Reed, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—76

And the bill:

H. 1053. Relating to Jackson County; to amend Act 79-473, Regular Session 1979 (Acts 1979, p. 873) which pertains to the distribution of Tennessee Valley Authority payments in lieu of taxes, so as to distribute certain moneys to the Jackson County Hospital Board.

Was taken up.

AMENDMENT OFFERED

Rep. Shavers offered the following amendment to the bill, H. 1053:

Amend H. B. 1053, Section 1, Line 23, page 1, by striking out the following words after the words "payment of":

ad valorem

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Bowling, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial,

Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, Manley, Minus, Mitchell, Naramore, Owens, Pegues, Ray, Reed, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—76

And the bill, H. 1053 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Bowling, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, Manley, Minus, Mitchell, Naramore, Owens, Pegues, Ray, Reed, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—76

And the bill:

H. 1008. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Bowling, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, Manley, Minus, Mitchell, Naramore, Owens, Pegues, Ray, Reed, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—76

And the bill:

H. 720. (With Substitute): Relating to Montgomery County; to regulate the sale of alcoholic beverages; to authorize the Alabama Alcoholic Beverage Control Board to permit in such county the handling and sale of wine, known as "table wine," containing not more than 14% alcohol by

volume, by its licensees; to define terms, including wine, table wine, fortified wine, wine wholesaler, wine retailer and manufacturer; to provide for the licensing of wine manufacturers, wine retailers and wine wholesalers by Alabama Alcoholic Beverage Control Board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize and limit the levy of county and municipal license fees thereon; to impose exclusive state taxes on or measured by the sale of table wine and provide for the collection and administration thereof; to authorize and limit the levy of municipal excise taxes on the retail sale of table wine; to prescribe violations and offenses, and provide for the imposition of fines, penalties and the suspension or revocation of licenses; to provide for the affixing of a distributor's stamp to all table wine sold to retail licensees; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer; and to provide for a referendum election on this subject in said county.

Was taken up.

H. 720 INDEFINITELY POSTPONED

On motion of Rep. Dixon, the bill, H. 720 with pending substitute reported by the Standing Committee on Local Legislation No. 4, was indefinitely postponed.

MOTION TO SUSPEND RULES

Rep. Waggoner offered the motion to suspend the rules in order to take up out of order the bill, H. 878.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Hilliard to suspend the rules in order to take up out of order the bill, H. 676, was lost, lacking a four-fifths vote.

Yeas 11; Nays 7.

Yeas:

Reps.: Amari, Bennett, Gafford, Harrison, Hilliard, Horn, Howard, Jackson, Seibels, Tucker and Waggoner.

—11

Nays:

Reps.: Biddle, Boles, Cabaniss, Cheatwood, Lewis, Payne and Trammell.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Waggoner to suspend the rules in order to take up out of order the bill, H. 878, and the motion was lost, lacking a four-fifths vote.

Yeas 13; Nays 6.

Yeas:

Reps.: Amari, Bennett, Biddle, Cabaniss, Gafford, Harrison, Jackson, Lewis, Moore, Olive, Payne, Seibels and Waggoner.

—13

Nays: Reps.: Boles, Cheatwood, Hilliard, Horn, Howard and Tucker. —6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Hilliard to suspend the rules in order to take up out of order the bill, H. 879, was lost, lacking a four-fifths vote.

Yeas 15; Nays 4.

Yeas:

Reps.: Adams (C), Amari, Bennett, Biddle, Cabaniss, Gafford, Harrison, Horn, Jackson, Lewis, Moore, Payne, Seibels, Tucker and Waggoner.

—15

Nays:

Reps. Boles, Cheatwood, Gilmer and Olive.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Howard, the rules were suspended in order to take up out of order the bill, H. 755.

Yeas 14; Nays 2.

Yeas:

Reps.: Amari, Bennett, Boles, Cabaniss, Harrison, Hilliard, Horn, Howard, Jackson, Lewis, Olive, Seibels, Tucker and Waggoner.

—14

Nays: Reps.: Biddle and Gafford.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 755. Relating to Jefferson County; providing that any conveyance of property required to be recorded in the office of the probate judge must include the name and address of the grantee.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 20; Nays 0.

Yeas:

Reps.: Amari, Bennett, Biddle, Boles, Cabaniss, Cheatwood, Gafford, Harrison, Hilliard, Horn, Howard, Jackson, Lewis, Moore, Olive, Payne, Seibels, Trammell, Tucker and Waggoner.

—20

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Howard, the rules were suspended in order to take up out of order the bill, H. 756.

Yeas 11; Nays 1.

Yeas:

Reps.: Amari, Biddle, Hilliard, Horn, Howard, Jackson, Lewis, Moore, Payne, Seibels and Waggoner.

—11

Nay: Rep. Cabaniss.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 756. Relating to Jefferson County; defining, regulating the profession and licensing of barbers and barber colleges; establishing a barbering commission; defining the powers and duties of said commission; prescribing the functions of the county commission, the treasurer and the judge of probate relating to the barber commission; and providing penalties for violations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 13; Nays 1.

Yeas:

Reps.: Boles, Cheatwood, Hilliard, Horn, Howard, Jackson, Lewis, Moore, Olive, Payne, Seibels, Tucker and Waggoner.

—13

Nay: Rep. Cabaniss.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Amari to suspend the rules in order to take up out of order the bill, H. 546, was lost.

Yeas 6; Nays 7.

Yeas: Reps.: Amari, Bennett, Biddle, Cabaniss, Gafford, Waggoner. —6

Nays: Reps.: Boles, Cheatwood, Horn, Jackson, Lewis, Payne and Tucker. —7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Bennett to suspend the rules in order to take up out of order the bill, H. 1085, was lost, lacking a four-fifths vote.

Yeas 9; Nays 3.

Yeas:

Reps.: Amari, Bennett, Biddle, Cabaniss, Gafford, Lewis, Payne, Seibels and Waggoner.

—9

Nays: Reps.: Boles, Cheatwood and Jackson.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Waggoner to suspend the rules in order to take up out of order the bill, H. 1037, was lost, lacking a four-fifths vote.

Yeas 12; Nays 5.

Yeas:

Reps.: Amari, Bennett, Biddle, Cabaniss, Gafford, Hilliard, Lewis, Moore, Olive, Payne, Seibels and Waggoner.

—12

Nays: Reps.: Boles, Cheatwood, Horn, Jackson and Tucker.

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Cabaniss to suspend the rules in order to take up out of order the bill, H. 931, was lost, lacking a four-fifths vote.

Yeas 13; Nays 6.

Yeas:

Reps.: Biddle, Cabaniss, Gafford, Harrison, Hilliard, Horn, Lewis, Moore, Olive, Payne, Seibels, Trammell and Waggoner.

—13

Nays: Reps.: Amari, Bennett, Boles, Cheatwood, Jackson and Tucker. —6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Lewis to suspend the rules in order to take up out of order the bill, H. 804, was lost, lacking a four-fifths vote.

Yeas 12; Nays 5.

Yeas:

Reps.: Amari, Bennett, Biddle, Cabaniss, Gafford, Lewis, Moore, Olive, Payne, Seibels, Trammell and Waggoner.

—12

Nays: Reps.: Cheatwood, Harrison, Hilliard, Jackson and Tucker. —5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Hilliard to suspend the rules in order to take up out of order the bill, H. 930, was lost.

Yeas 3; Nays 9.

Yeas: Reps.: Biddle, Gafford and Seibels. —3

Nays:

Reps.: Amari, Bennett, Boles, Cabaniss, Cheatwood, Jackson, Lewis, Olive and Trammell.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Hilliard to suspend the rules in order to take up out of order the bill, H. 929, was lost.

Yeas 6; Nays 9.

Yeas: Reps.: Biddle, Cabaniss, Gafford, Hilliard, Horn and Olive.

—6

Nays:

Reps.: Amari, Bennett, Boles, Cheatwood, Jackson, Lewis, Payne, Trammell and Tucker.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Boles to suspend the rules in order to take up out of order the bill, H. 774, was lost.

Yeas 5; Nays 11.

Yeas: Reps.: Biddle, Boles, Cheatwood, Gafford and Trammell. —5

Nays:

Reps.: Amari, Bennett, Cabaniss, Hilliard, Horn, Jackson, Lewis, Payne, Seibels, Tucker and Waggoner.

—11

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Boles, to suspend the rules in order to take up out of order the bill, H. 773, was lost, lacking a four-fifths vote.

Yeas 11; Nays 8.

Yeas:

Reps.: Biddle, Boles, Cabaniss, Cheatwood, Gafford, Lewis, Moore, Olive, Payne, Seibels and Trammell.

—11

Nays:

Reps.: Amari, Bennett, Hilliard, Horn, Howard, Jackson, Tucker and Waggoner.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Jackson to suspend the rules in order to take up out of order the bill, H. 1092, was lost.

Yeas 3; Nays 14.

Yeas: Reps.: Cabaniss, Hilliard and Horn.

—3

Nays:

Reps.: Amari, Bennett, Biddle, Boles, Cheatwood, Gafford, Howard, Jackson, Lewis, Olive, Payne, Seibels, Tucker and Waggoner.

—14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Hilliard to suspend the rules in order to take up out of order the bill, H. 676, was lost.

Yeas 6; Nays 9.

Yeas: Reps.: Hilliard, Horn, Jackson, Seibels, Tucker and Waggoner. —6

Nays:

Reps.: Amari, Bennett, Biddle, Boles, Cabaniss, Cheatwood, Lewis, Payne and Trammell.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 245. CREATING A JOINT INTERIM COMMITTEE TO STUDY UNEMPLOYMENT COMPENSATION LAWS.

Also:

H. J. R. 247. EXPRESSING SYMPATHY FOR THE EIGHT AMERICAN SERVICEMEN KILLED IN THE ILL-FATED ATTEMPT TO RESCUE AMERICAN HOSTAGES IN IRAN.

Also:

H. J. R. 251. RESOLUTION REQUESTING THAT ALL IRANIAN STUDENTS IN ALABAMA POSTSECONDARY INSTITUTIONS LEAVE THIS STATE AT THE END OF THE TERM FOR WHICH THEY ARE CURRENTLY ENROLLED.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 709. To amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32 and 40-10-27, Code of Alabama 1975, relating to fees allowed tax assessors and/or tax collectors of this state for the following: for making demand on taxpayers for their list of property to be returned and for returns of property to "owner unknown", and for serving subpoenas for state witnesses or notices issued by order of the department of revenue or board of equalization; for making demand on delinquent taxpayers and for levy and sale of property; for the collection of delinquent taxes; for executing writs against the personal property of delinquent taxpayers who have left the county; for making demand against persons failing to make returns of taxable property; for making returns on escaped property; and for serving notice of delinquent property owners to show cause why a decree of sale should not be rendered; so as to increase the fees provided in said Sections.

Was taken up.

AMENDMENT OFFERED

Rep. Barton offered the following amendment to the bill, H. 709:

On page 5, line 27, insert the following section 8 and renumber the remaining sections accordingly:

Section 8. All of the fees provided for in each of the statutes amended by this act, when collected, shall be refunded to the fund or official paying the administrative costs of performing the functions for which said fees are provided.

In the title, page 1, line 32, delete the period and insert the following language:

, and to provide that all of the fees provided for in each of the sections amended by this act, when collected, shall be refunded to the fund or official paying the administrative costs of performing the functions for which said fees are provided.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Blake, Cabaniss, Cates, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Goodwin, Greer, Grimsley, Harper (O), Harper (T), Johnson (R. G.), Laird, Langford, Lewis, Manley, Minus, Mitchell, Owens, Pegues, Reed, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 709. To amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-5-19, 40-7-32 and 40-10-27, Code of Alabama 1975, relating to fees allowed tax assessors and/or tax collectors of this state for the following: for making demand on taxpayers for their list of property to be returned and for returns of property to "owner unknown", and for serving subpoenas for state witnesses or notices issued by order of the department of revenue or board of equalization; for making demand on delinquent taxpayers and for levy and sale of property; for the collection of delinquent taxes; for executing writs against the personal property of delinquent taxpayers who have left the county; for making demand against persons failing to make returns of taxable property; for making returns on escaped property; and for serving notice of delinquent property owners to show cause why a decree of sale should not be rendered; so as to increase the fees provided in said Sections,

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and to provide that all of the fees provided for in each of the sections amended by this act, when collected, shall be refunded to the fund or official paying the administrative costs of performing the functions for which said fees are provided.

As thus amended, was read a third time at length and passed.

Yeas 54; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Johnson (R. G.), Kelley, Laird, Langford, Manley, Minus, Mitchell, Naramore, Patton, Pegues, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Starkey, Stewart, Waggoner, Ward, Warren, Whatley, Willis and Wyatt.

—54

Nays: Reps.: Holley and Smith (C).

—2

RULE SUSPENDED

On motion of Rep. Barton, Rule 4(4) was suspended to permit the bill, H. 709, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Buskey, Cabaniss, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Kelley, Laird, Langford, Lewis, Manley, Minus, Naramore, Patton, Pegues, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Stewart, Warren and Wyatt.

—54

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Smith (J), Gregg, Hall, Albright and Riddick:

H. R. 271. COMMENDING THE UNIVERSITY OF ALABAMA-HUNTSVILLE HOCKEY TEAM.

Also:

By Rep. Smith (J):

H. R. 272. MOURNING THE UNTIMELY DEATH OF MRS. CONNIE JEANETTE SCHILD.

AMENDMENT OFFERED TO H. R. 255

Rep. Naramore offered the following amendment No. 1 to the resolution, H. R. 255, previously adopted:

Amend by moving H. B. 630 page 1 to the end of the calendar.

AMENDMENT LOST

And the amendment was lost.

Yeas 26; Nays 33.

Yeas:

Reps.: Albright, Bedsole, Blake, Boles, Bowling, Carter, Cheatwood, Crow, Ford, Gilmer, Hall, Harper (T), Harrison, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Langford, Letson, Moore, Naramore, Smith (C), Trammell and Wyatt.

—26

Nays:

Mr. Speaker, Adams (C), Barton, Cabaniss, Campbell, Carothers, Clark (G), Cosby, Dial, Drinkard, Edwards, Gregg, Grimsley, Grouby, Johnson (R. G.), Laird, McMillan, Manley, Minus, Owens, Payne, Pegues, Sasser, Shoemaker, Smith (J), Starkey, Stout, Turnham, Venable, Ward, Whatley, Williams and Zoghby.

—33

AMENDMENT OFFERED TO H. R. 255

Rep. Naramore offered the following amendment # 2 to the resolution, H. R. 255, previously adopted:

Amend House Resolution 255 immediately following line 12 by inserting the following:

H. 1020 P. 19S Junior colleges and technical schools

AMENDMENT LOST

And the amendment was lost.

Yeas 30; Nays 35.

Yeas:

Reps.: Albright, Blake, Boles, Bowling, Buskey, Carter, Cheatwood, Cobb, Crow, Ford, Gilmer, Greer, Hall, Hammett, Harper (O), Harvey, Holley, Horn, Howard, Kelley, Laird, Langford, Moore, Naramore, Smith (C), Trammell, Tucker, Turnham, Venable and Wyatt.

—30

Nays:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Cabaniss, Campbell, Carothers, Cates, Clark (G), Cosby, Dial, Dixon, Drinkard, Edwards, Grimsley, Grouby, Harper (T), Johnson (R. G.), McKee, Manley, Minus, Mitchell, Owens, Pegues, Riddick, Seibels, Shoemaker, Starkey, Stewart, Waggoner, Ward, Whatley, Williams and Zoghby.

—35

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Hammett voting "Yea" on the bill, H. 709.

SPECIAL ORDER RESUMED

And the bill:

H. 1033. (With Amendments): To establish the Office of State Planning and Federal Programs; to provide for the efficient coordination of and cooperation in the programs of the various governmental agencies, political subdivisions of the state, private groups and institutions, engaged within this state in promoting the human, economic, and physical resources of the state or in the several regions or areas thereof; to provide for the efficient and coordinated procurement and use by state governmental agencies, political subdivisions of the state, instrumentalities, and institutions of loans, grants, and other forms of assistance from the federal government; to provide for the appointment of the Director of State Planning and Federal Programs and the employees of the Office of State Planning and Federal Programs; to define the powers and duties of the Office of State Planning and Federal Programs; to provide for the compensation and benefits of said employees; to transfer to the Office of State Planning and Federal Programs all functions, powers, authority and duties and all the books, records, supplies, equipment, personnel, and property and assets of whatsoever nature, heretofore had, exercised, used or employed by the Alabama Development Office in the pursuit of the functions herein delineated, including: 1) state planning and programming; 2) proposing or designating areas for the purposes of administering programs which receive aid under federal acts in various political subdivisions or regions; and 3) area-wide planning, review and advise on projects, coordination, and informational services for state and federal grant-in-aid programs; to specifically state the legislative intent is to maintain and retain all the powers, duties, responsibilities, personnel, property and assets of whatsoever nature, not involved in federal programs and federal grants and federal assistance, in the Alabama Development Office, and in the director of the Alabama Development Office, as the case may be, and that Alabama Development Office shall retain all of its authority, powers, duties, responsibilities, and functions for industrial development; to authorize the governor to transfer, from the general fund of the state treasury from funds currently available unencumbered and designated as federal revenue sharing or other federal funds, or from other unencumbered funds appropriated from the legislature for the current use by the governor, such amounts, as he deems necessary to implement the provisions of this act, to the office of State Planning and Federal Programs; to prescribe that the governor shall have certain duties, powers, and responsibilities therefor; to repeal all laws and parts of laws in conflict with this act.

Was taken up.

SUBSTITUTE OFFERED

Rep. Owens offered the following substitute to the bill, H. 1033 with pending amendments reported by the Standing Committee on Ways and Means:

A BILL
TO BE ENTITLED
AN ACT

To establish the Office of State Planning and Federal Programs; to provide for the efficient coordination of and cooperation in the programs of the various governmental agencies, political subdivisions of the state, private groups and institutions, as required by OMB Circulars A-95 and 102 engaged within this state in promoting the human, economic and physical resources of the state or in the several regions or areas thereof; to provide for the efficient and coordinated procurement and use by state governmental agencies, political subdivisions of the state, instrumentalities, and institutions of loans, grants, and other forms of assistance from the federal government; to provide for the appointment of the Director of the Office of State Planning and Federal Programs and the employees of the Office of State Planning and Federal Programs; to define the powers and duties of the Office of State Planning and Federal Programs; to provide for the compensation and benefits of said employees; to transfer to the Office of State Planning and Federal Programs all functions, powers, authority and duties and all the books, records, supplies, equipment, personnel, and property and assets of whatsoever nature, heretofore had, exercised, used or employed by the Alabama Development Office in the pursuit of the functions herein delineated, including: 1) state planning and programming; 2) proposing or designating areas for the purposes of administering programs which receive aid under federal acts in various political subdivisions or regions; and 3) area-wide planning, review and advise on projects, coordination, and informational services for state and federal grant-in-aid programs; to specifically state the legislative intent is to maintain and retain all the powers, duties, responsibilities, personnel, property and assets of whatsoever nature, not involved in federal programs and federal grants and federal assistance, in the Alabama Development Office, and in the director of the Alabama Development Office, as the case may be, and that Alabama Development Office shall retain all of its authority, powers, duties, responsibilities, and functions for industrial development; to prescribe that the governor shall have certain duties, powers, and responsibilities therefor; to repeal all laws and parts of laws in conflict with this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions:

For the purposes of this Act:

"A-95" shall refer to the process of evaluation, review, and coordination of Federal and federally assisted programs and projects.

"A-102" shall refer to the process of establishing uniform administrative requirements for programs that provide financial assistance through grant or contractual arrangements.

"Governmental unit" shall mean and include counties and municipalities.

"Governing body" shall mean the chief legislative body of a governmental unit.

"Municipality" shall mean and include cities, towns, villages and other incorporated jurisdictions.

"Region" shall mean and include all the geographical area contained within the aggregate territorial limits of all governmental units participating in a regional planning and development commission as stipulated in Sections 41-9-181 through 41-9-183 and 41-9-200 through 41-9-201 of Alabama, 1975.

"Review and Comment" shall mean review and comment of the Office of State Planning and Federal Programs as directly related to those federal programs covered under currently effective Office of Management and Budget (OMB) Circular A-95, A-102, and other appropriate OMB Circulars.

Section 2. It specifically is the legislative intent to maintain and retain all of the powers, duties, responsibilities, personnel, property and assets of whatsoever nature, not involved in federal programs and federal grants and federal assistance, in the Alabama Development Office and in the director of the Alabama Development Office, as the case may be, and that the Alabama Development Office shall retain all of its authority, powers, duties, responsibilities and functions for industrial development.

Section 3. The legislature finds and declares that:

(a) the people of this state have a fundamental interest in the orderly development of the state and its regions;

(b) the state has a positive interest in the preparation and maintenance of long-term, comprehensive plans for the economic, physical and human resource development of the whole state and of each of its regions which plans can serve as guides for local governmental units and state departments and agencies;

(c) the continued growth of the state and the readjustment of the people to the changing economy of the state, present problems which can best be solved by overall state planning guidance for their solution;

(d) local governmental planning and program implementation can be strengthened when done in relation to and coordinated with the planning efforts and program implementation of the state and of the regions of the state;

(e) orderly and harmonious coordination of state and local plans and programs with those of the federal government, state and regional planning and programming requires direct leadership by the governor;

(f) the state has a positive interest in assisting the various local governmental units, and state departments, agencies, and institutions, in the procurement of various forms of assistance from the federal government for the benefit of the people of the state and to meet critical state needs;

(g) orderly and efficient administration of state finances and programs, and improved state assistance to local governmental units, and state departments, agencies, political subdivisions and institutions in the procurement of federal assistance can most effectively be accomplished if the state can monitor the types, amounts, and purposes of advances, loans, grants, contributions and any other form of assistance from the federal government which is applied for and/or accepted by departments, agencies, institutions and political subdivisions of the state.

It is the purpose of this act to promote the development of the state's human, economic, and physical resources, and to promote the health, safety, and general welfare of its citizens, by creating within the executive branch,

an agency for comprehensive statewide planning and federal assistance oversight. The agency shall act as an advisory, consulting, monitoring, and coordinating agency to harmonize activities at all levels of government, render technical assistance to governmental units and political subdivisions of this state, and stimulate public interest and participation in the human resource, economic and physical development of the state, and as these relate to federal programs, federal grants and federal assistance.

Section 4. (a) There is hereby created the Office of State Planning and Federal Programs within the Office of the Governor and directly under his supervision and control. The Office of State Planning and Federal Programs shall consist of the Governor as the state planning and federal programs officer, a chief administrative officer to be designated as Director of the Office of State Planning and Federal Programs, who shall be appointed by the Governor, and serve at his pleasure, at a salary to be set in the same manner and with the same limitations as otherwise provided by law for executive department heads. The director of the Office of State Planning and Federal Programs shall be a member of such boards and commissions, as they relate to his authority under the provisions of this act and as required and currently authorized under the various federal programs for the director of the Alabama Development Office, and as approved by the Governor. All other employees necessary to carry out the duties and functions of the Office of State Planning and Federal Programs shall be employed subject to the provisions of the state merit system laws and shall be entitled to the same rights and benefits thereunder. (b) The Governor, through the Office of State Planning and Federal Programs, shall encourage comprehensive and coordinated planning and programming of the affairs of state government. (c) The Governor may direct any state department or other agency of state government, directly under his control and supervision, to furnish the Office of State Planning and Federal Programs with such personnel, equipment, and services as are necessary to enable it to carry out its responsibilities and duties, and he may prescribe the terms thereof, including reimbursement of costs therefor.

Section 5. The Governor, in carrying out his responsibilities under this act, may establish advisory committees or councils and appoint the members thereto, which members shall serve at his pleasure. Members shall serve without compensation, but shall be reimbursed for the necessary and actual expenses incurred in the performance of their duties. The Governor shall designate the chairman and such other officers as he may deem necessary for each advisory committee or council. Advisory committees or councils, established pursuant to this section, shall meet at the call of their chairman, or of the director of the Office of State Planning and Federal Programs.

Section 6. The Office of State Planning and Federal Programs shall be the principal staff agency of the executive branch to plan with the other departments of state government, and with other governmental units, for the comprehensive development of the state's human, economic and physical resources and their relevance for programs administered by the state and the governmental structure required to put such programs into effect. The purpose of such planning shall be to insure that the maximum benefit will accrue to the state from the advances, loans, grants, and other forms of assistance made available to local governmental units and state departments, agencies, and institutions by the federal government, or any agency, or any political subdivision thereof. It shall provide information, assistance, and staff support by all appropriate means available. The Office of State Planning and Federal Programs shall perform all duties and exercise all the powers and

authority relative to state, regional and local planning, and to the study and review of plans, programs, and federal aid applications filed with the federal government heretofore vested in the Alabama Development Office. All the functions, powers, authority and duties relative to carrying on a planning program for the human, economic, and physical development of the state and the counties and municipalities thereof, including the preparation of a state master plan as well as the authority to provide an assistance program to regions, counties and municipalities in the preparation of comprehensive physical plans for such regions, counties and municipalities vested by Sections 41-9-181 through 41-9-183, and 41-9-200 through 41-9-204 of The Code of Alabama 1975 in the Alabama Development Office and as they relate to federal programs, federal grants or federal assistance, are confirmed, continued, transferred to and hereafter shall be vested in the Office of State Planning and Federal Programs. All books, records, supplies, funds, equipment, personnel, and assets and property of whatsoever nature, heretofore had, exercised, used or employed by the Alabama Development Office in the pursuit of the functions herein delineated are also hereby transferred to the Office of State Planning and Federal Programs.

Section 7. The director of the Office of State Planning and Federal Programs shall be specifically exempt from the provisions of Sections 41-4-220 through 41-4-224 of The Code of Alabama, 1975. He shall have the authority to establish such data processing and telecommunications systems, as he may deem necessary, to implement the provisions of this act, subject to the approval of the Governor. The Board of Communications and Electronics Chiefs and the Division of Telecommunications shall function and continue as heretofore established by Executive Order No. 3, dated February 5, 1974. The powers and duties of the Office of State Planning and Federal Programs shall be as follows:

- (a) to develop a comprehensive state plan, and yearly updates to the plan, to be submitted by the Governor to the legislature for its consideration;
- (b) to develop, for approval by the Governor and the legislature, long-range plans and policies for the orderly and coordinated growth of the state, including but not limited to, functional plans;
- (c) to prepare special reports and make available the results of the research, studies, and other activities, through publications, memoranda, briefings, and expert testimony;
- (d) to analyze the quality and quantity of services required for the continued orderly and long-range growth of the state, taking into consideration the relationship of activities, capabilities, and future plans of local units of government, area commissions, development districts, private enterprise, and the state and federal government;
- (e) to encourage the coordination of the planning and programming activities of all state departments, agencies, and institutions, local levels of government, and other public and private bodies with the state;
- (f) to advise and consult with regional, county, and local units of government and planning and development agencies on matters of planning;
- (g) at the direction of the Governor, and in cooperation with the state budget division of the finance department, survey, review and appraise the accomplishments of state government in achieving its goals and objectives;

(h) to apply for, accept and disburse advances, loans, grants, contributions and any other form of assistance from the federal government, the state, or other public body, or from any sources, public or private, for the purposes of this act, and enter into and carry out contracts or agreements in connection therewith, and include in any contract for financial assistance with the federal government such conditions imposed pursuant to federal laws as it may deem reasonable and appropriate and which are not inconsistent with the purposes of this act;

(i) to make grants from said appropriations to regional planning and development commissions which are certified to receive such grants by the Governor, under the provisions of law heretofore or hereafter enacted providing for the delineation and designation of state planning and development districts and authorizing the governing bodies of counties and municipalities to establish regional planning and development commissions, in Sections 11-85-50 through 11-85-56 and 11-85-58 of The Code of Alabama, 1975;

(j) to advise and consult with state agencies, departments and institutions, political subdivisions, and local units of government for the purpose of increasing their capacity to identify and obtain all forms of federal assistance;

(k) to review and comment on all local and areawide applications for federal planning assistance, or delegate such authority to a regional planning and development commission;

(l) to review and comment upon prior to their submission, as required by OMB A-95 regulations, plans, programs, and federal assistance applications filed with the federal government or any instrumentality of the federal government by state departments, agencies, and institutions;

(m) to maintain a record of and periodically analyze all action taken by any federal agency concerning plans, programs, and federal assistance applications submitted to the federal government or any instrumentality of the federal government by state departments, agencies, and institutions, local governmental units, and political subdivisions of the state;

(n) to monitor and analyze the sources, types, amounts, and purposes of federal assistance received by state agencies, departments, and institutions, local governmental units, and political subdivisions;

(o) to provide information and recommendations to the Governor and legislature with respect to federal programs of state interest or programs pending congressional or federal administrative action which may affect or be of interest to the state or any of its agencies or political subdivisions;

(p) to promote the development and coordination of the federal assistance activities of all state departments, agencies and institutions, local levels of government, and other public and private bodies within the state to meet state needs;

(q) to insure that data used by the federal government and its agencies and instrumentalities for calculating the state's share of formula-based federal assistance are accurate;

(r) to represent the Governor, and serve as an official liaison for the state in respect to federal assistance programs available to the state and its agencies and political subdivisions and be responsible for the establishment of responsible representation to assist in securing maximum benefits of the many forms of federal assistance;

(s) to exercise all other powers necessary and proper for the discharge of its duties, including the promulgation of reasonable rules and regulations and to perform such other functions and duties of the Office of State Planning and Federal Programs as may from time to time be assigned by the director of the Office of State Planning and Federal Programs. All state agencies, departments, institutions, and political subdivisions are hereby empowered and authorized to make available to the Office of State Planning and Federal Programs such reasonable assistance and information as the office may request in carrying out the intentions and purposes of this act;

(t) it is the intent of this act that all reference herein to the duties and functions regarding review and comment of the Office of State Planning and Federal Programs be directly related to those federal programs covered under currently effective Office of Management and Budget circular A-95, A-102, and other appropriate Office of Management and Budget circulars.

Section 8. All parts of the state appropriation and any funds from federal sources heretofore made to the Alabama Development Office for the Planning Office functions are hereby transferred to the Office of State Planning and Federal Programs.

Section 9. The director of the Office of State Planning and Federal Programs is authorized to employ one person in the unclassified service; without participation in the State Merit System; provided, however, that such person shall be entitled to the same rights, privileges and benefits as provided for classified employees within the State Merit System.

Section 10. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Kelley, Laird, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Penry, Rains, Reed, Roberts, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—64

H. 1033 TEMPORARILY POSTPONED

On motion of Rep. Holley, the bill, H. 1033 as amended, was temporarily postponed.

H. 1034 TEMPORARILY POSTPONED

On motion of Rep. Owens, the bill, H. 1034, was temporarily postponed.

H. 630 TEMPORARILY POSTPONED

On motion of Rep. Manley, the bill, H. 630, was temporarily postponed.

And the bill:

H. 1077. (With Substitute): To amend Sections 40-14-40 and 40-14-43, Code of Alabama 1975, which provide for the levying of franchise taxes on domestic corporations and the remittance and distribution of proceeds of said taxes, so as to provide further for the levy and distribution of the proceeds of the said taxes and to provide that the provisions of this Act shall be effective only for the fiscal year of 1980-1981.

Was taken up.

SUBSTITUTE OFFERED

Rep. Zoghby offered the following substitute to the bill, H. 1077 with pending substitute reported by the Standing Committee on Ways and Means:

A BILL
TO BE ENTITLED
AN ACT

To levy an additional franchise tax on domestic and foreign corporations; to provide for the distribution of the proceeds of said tax and to provide that the provisions of this act shall be effective only for the fiscal year of 1980-1981.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any and all other taxes heretofore imposed by law, every corporation required by Sections 40-14-40 and 40-14-41, Code of Alabama 1975, to pay an annual franchise tax, is hereby required to pay an annual franchise tax on each \$1,000.00 of its capital stock or of the actual amount of its capital employed in this state. Said amount of tax shall be not less than the sum of \$50.00. Remittance of this additional franchise tax shall be made to the Department of Revenue. The said tax shall be deposited in the state treasury to the credit of the pensions and security fund to be used exclusively for child care programs.

Section 2. The provisions of this act shall be effective for the fiscal year of 1980-1981, and at the end of said fiscal year the provisions of this act shall terminate.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 65; Nays 1.

Yeas:

Reps.: Adams (C), Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Crow, Dixon, Drinkard, Edwards, Goodwin, Greer, Grimsley, Grouby,

REGULAR SESSION
27th Day

1811

Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Owens, Pegues, Penry, Ray, Reed, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—65

Nay: Rep. Boles.

—1

H. 1077 TEMPORARILY POSTPONED

On motion of Rep. Zoghby, the bill, H. 1077 as amended, was temporarily postponed.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 82. To promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine importers, wine wholesalers and wine retailers by Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers, importers and retailers; to authorize the levy of county and municipal license fees thereon; to impose exclusive statewide tax on or measured by the sale of table wine and provide for the collection, administration and distribution thereof; to proscribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 758. Relating to Shelby County; to amend Act No. 105, H. 172, 1967 Special Session (Acts 1967, p. 137), relating to pistol permit fees of such county, so as to increase said fees.

Also:

H. 759. Relating to county health officers or administrators in Shelby County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

Also:

H. 792. An act, to supplement the salaries of the District Judges of the Twenty-Third Judicial Circuit.

Also:

H. 809. To provide for purging the lists of registered voters in Shelby County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Also:

H. 858. To provide that the City of Northport shall have authority, after notice as provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations located within the corporate limits of the City when the same are found by the governing body of such city to be unsafe, dangerous, offensive or injurious to the public health or welfare of the community to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels, whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Also:

H. 919. Relating to Clarke County; repealing Act No. 104, H. 425 of the 1973 Regular Session, entitled, "An Act To create the position of deputy coroner in all counties having a population of not less than 26,000 nor more than 26,800 inhabitants according to the most recent federal decennial census."

Also:

H. 920. Relating to Clarke County; providing further for the office of county coroner; providing for the appointment, qualifications, powers, duties, and salary of the deputy coroner; authorizing the county governing body to appoint not more than two such deputies coroner; providing an expense allowance for the county coroner, payable from the county treasury.

Also:

H. 921. To provide for a certain increase in court costs in the Clarke County Division of the First Judicial Circuit of this state with a portion of the proceeds from such increase to be earmarked for use of the Sheriff of Clarke County.

Also:

H. 923. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Also:

H. 963. Relating to Clarke County; providing an additional expense allowance for the tax collector and tax assessor of the county, as set by the county commission.

Also:

H. 970. To amend further Act No. 1247, H. 1642, Regular Session 1971 (Acts 1971, p. 2147), relating to the issuance of pistol permits in Cullman County so as to correct a Code citation in such act.

Also:

H. 978. Relating to Monroe County; amending Act No. 1830, H. 2479, 1971 Regular Session (Acts 1971, p. 2996) entitled "An Act To provide for the compensation of the chief clerk of the judge of probate in Monroe County," so as to increase said compensation.

Also:

H. 979. To regulate the registration and identification of certain mobile homes in Chambers County and to prescribe penalties for violation of the provisions of this act.

Also:

H. 986. Relating to the 8th Judicial Circuit; to provide an additional expense allowance to each court reporter.

Also:

H. 987. Relating to Morgan County; providing further for the salaries of the chairman and members of the county commission, effective after the present term.

Also:

H. 993. Relating to Morgan County; to amend Section 1 of Act No. 733, S. 811, Regular Session 1977 (Acts 1977, p. 1279) which regulates the compensation of the members of the county board of registrars, so as to provide further for such compensation, and to give this Act retroactive effect.

Also:

H. 994. Relating to Morgan County; to provide for the mailing addresses of the grantors and grantees to appear on all conveyances of real property recorded in the probate office of such county.

Also:

H. 1010. Relating to Cullman County, to provide for expense allowance for the Board of Registrars, Jury Commission, and Board of Equalization.

Also:

H. 575. Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) as amended by Act 499, Regular Session 1979, an act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

Also:

H. 949. To provide for the relief of Marjorie Armstrong by granting to her the extraordinary disability allowance provided by Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts, 1951, pp. 1591-1592), as amended, to state the reasons for granting such allowance; to provide for the periods during which such allowance shall be payable; and to prescribe the conditions and limitations applying to such allowance.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 245. CREATING A JOINT INTERIM COMMITTEE TO STUDY UNEMPLOYMENT COMPENSATION LAWS.

Also:

H. J. R. 247. EXPRESSING SYMPATHY FOR THE EIGHT AMERICAN SERVICEMEN KILLED IN THE ILL-FATED ATTEMPT TO RESCUE AMERICAN HOSTAGES IN IRAN.

Also:

H. J. R. 251. RESOLUTION REQUESTING THAT ALL IRANIAN STUDENTS IN ALABAMA POSTSECONDARY INSTITUTIONS LEAVE THIS STATE AT THE END OF THE TERM FOR WHICH THEY ARE CURRENTLY ENROLLED.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 724. To repeal Act No. 653, H. 589, 1975 Regular Session (Acts 1975, p. 1410), entitled "An Act To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to be available at the city hall of each incorporated municipality for

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the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area."

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 1099. To amend Sections 16-3-1, 16-3-5 and 16-3-8 of the Code of Alabama 1975, relating to the state board of education, so as to provide that the Lieutenant Governor and the Speaker of the House of Representatives shall be ex officio members of the state board of education; to provide that the ex officio members of the board shall have full voting powers; to provide that vacancies on said board among the elected members shall be filled by the governor for the unexpired term; to provide that elected members of said board shall receive per diem compensation for each day of actual service and actual traveling and other necessary expenses incurred, while the ex officio members shall be entitled to receive their actual traveling and other necessary expenses incurred in attending meetings and transacting the business of the board.

Was taken up.

MOTION TO POSTPONE

Rep. Wyatt offered the motion to postpone consideration of the bill, H. 1099, to the thirtieth legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Dixon to table the motion to postpone offered by Rep. Wyatt, was lost.

Yeas 35; Nays 43.

Yeas:

Mr. Speaker, Bedsole, Cabaniss, Campbell, Carothers, Clark (G), Coburn, Cosby, Dial, Dixon, Edwards, Gafford, Gilmer, Grouby, Harper (T), Holmes, Howard, McKee, McMillan, Manley, Minus, Mitchell, Olive, Pegues, Reed, Roberts, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Venable, Warren, Whatley and Williams.

Nays:

Reps.: Adams (C), Albright, Amari, Bennett, Blake, Buskey, Carter, Cates, Cheatwood, Cobb, Cooley, Crow, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harrison, Harvey, Hilliard, Holley, Horn, Johnson (R. G.), Johnson (Roy), Langford, Letson, Lewis, Naramore, Nevett, Payne, Penry, Rains, Ray, Riddick, Shavers, Smith (C), Stout, Trammell, Turner, Turnham, Ward and Wyatt.

—43

H. 1099 POSTPONED

The question was then on the motion offered by Rep. Wyatt to postpone consideration of the bill, H. 1009, to the thirtieth legislative day, and the motion was adopted.

Yeas 49; Nays 40.

Yeas:

Reps.: Adams (C), Albright, Amari, Bennett, Blake, Boles, Bowling, Buskey, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Drinkard, Ford, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harrison, Hilliard, Holley, Horn, Howard, Johnson (Roy), Kennedy, Langford, Lewis, Mitchell, Naramore, Nevett, Payne, Rains, Ray, Reed, Riddick, Seibels, Smith (C), Starkey, Trammell, Tucker, Turner, Turnham, Venable, Ward and Wyatt.

—49

Nays:

Mr. Speaker, Bedsole, Biddle, Cabaniss, Campbell, Carothers, Carter, Clark (G), Coburn, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Grouby, Harper (T), Harvey, Holmes, Letson, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Patton, Pegues, Penry, Roberts, Shoemaker, Smith (M), Stewart, Waggoner, Warren, Whatley, Williams and Zoghby.

—40

And the bill:

H. 432. To amend Section 40-12-244 Code of Alabama 1975 which exempts certain persons from motor vehicle license taxes and registration fees, so as to include vehicles owned by the Civil Air Patrol within the exemption.

Was read a third time at length and passed.

Yeas 80; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Albright, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, McKee, McMillan,

Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—80

Nays: Reps.: Gilmer, Howard, Payne and Tucker.

—4

RULE SUSPENDED

On motion of Rep. Owens, Rule 4(4) was suspended to permit the bill, H. 432, being other than a local or general bill of local application, to be sent to the Senate.

H. 1033 AGAIN TAKEN UP

And the bill, H. 1033 as previously amended, was again taken up.

AMENDMENT OFFERED

Rep. Cates offered the following amendment to the bill, H. 1033 as amended:

Amend House Bill 1033 as substituted on page 6, line 31 after the word "thereunder" by adding the following sentence: Salaries set for employees shall not exceed the salary set by law for Executive Department heads.

Further amend House Bill 1033 as substituted on page 12, line 27 after the word "system" by adding the following sentence: Salaries set for employees shall not exceed the salary set by law for Executive Department heads.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bedsole, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Edwards, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Naramore, Nevett, Olive, Owens, Patton, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—75

Nay: Rep. Albright.

—1

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 48. To provide for the establishment of the Birmingham Civic Center and the creation of the Birmingham-Jefferson County Civic Center Authority, a public corporation, for the purpose of establishing, maintaining and operating such civic center; to provide for the Board of Directors of said Authority, the composition, membership, terms of office, powers and duties of said Board; to grant the Authority the power of eminent domain; to authorize the Authority to construct, maintain, control, operate and manage said civic center, and certain offices, buildings, streets, boulevards, walkways, parkways, parks, monuments, statues, certain other structures, community or meeting houses, auditoriums, arenas, convention halls and sites, places of recreation, music halls, art museum, art exhibits and other exhibits for the advancement of the humanities and the cultural development and edification of the citizens of the county and municipality; to authorize the county and municipality to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties without authorizing an election of the qualified voters of the county or of the municipality provided the respective governing body shall first determine that such lease, sale, donation, conveyance or appropriation will benefit the people of the county or municipality; to authorize the Authority to borrow money and to issue revenue bonds as evidence of money so borrowed, which bonds shall be payable solely from taxes payable to the authority by act of the Legislature heretofore or hereafter adopted and from revenues of the Authority derived from the authorized activities, operation and enterprises; to authorize the Authority to mortgage its property to secure the payment of principal and interest due on said bonds; to authorize the Authority to execute such contracts, documents and other instruments as it deems necessary to secure the payment of the principal and interest due on said bonds; to authorize the Authority to borrow money, to issue as evidence of its obligation to repay such money, its negotiable promissory notes and to provide the security for such notes and the refunding thereof by the issuance of notes or bonds; to provide for the Alcoholic Beverage Control Board to issue liquor licenses to the said civic center authority; to regulate the issuance of such licenses, the amount of license tax of fee payable therefor; to provide that pursuant to such license the Authority is authorized to keep and sell in its Civic Center, alcoholic, malt or vinous beverages and to further define "Authority" and "Civic Center"; to further provide for the financing for establishing, constructing, maintaining, and operating the said civic center by imposing and levying in Jefferson County a privilege or license tax on every person engaged in the county in the business of renting or furnishing any room or rooms, lodging or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings, or accommodations are rented or furnished for a consideration, and also a privilege or license tax on every person engaged in such county in the business of renting or furnishing space for the accommodations of trailers; and to provide for the levy, collection, manner of payment, and enforcement of an additional license tax on every person who sells, stores or delivers cigarettes or smoking tobacco in the county, for the purposes of financing the establishment, maintenance and operation of the said civic center; to provide the amount or rate of said taxes and certain exemptions therefrom; to provide for the method of collecting and enforcing said taxes; to provide for the collection of said taxes; to provide for the distribution of said taxes; to provide for a percentage of the taxes collected to be paid to the county for expenses incurred in the collection, enforcement and administration of said taxes; to express that the legislative intent of this act is to bring together all acts relating to the operation, construction, financing, and maintenance of the Birmingham Civic Center and the authority and powers of the Birmingham-Jefferson County Civic Center Authority; to provide that all

taxes levied and all powers of the Authority shall continue except as herein amended; to expand the membership of the Board of Directors of the Authority to eleven; to define "Electoral College"; to further provide for notice of certain meetings and the definition of a quorum, terms of office and successors in office; to provide misdemeanor penalties for certain violations of the provisions of this act; and to repeal conflicting laws.

Also:

H. 50. Relating to any city with a population of 300,000 inhabitants or more, according to the 1970 or any subsequent federal decennial census; regulating the keeping of dogs in vacant lots not adjacent or contiguous to a residence within such municipalities; making certain exceptions; and prescribing that the county health department shall have the authority to enforce the provisions of this act and to make reasonable rules and regulations necessary for implementing the provisions of this act.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 1033 RESUMED

And the bill:

H. 1033. To establish the Office of State Planning and Federal Programs; to provide for the efficient coordination of and cooperation in the programs of the various governmental agencies, political subdivisions of the state, private groups and institutions, as required by OMB Circulars A-95 and 102 engaged within this state in promoting the human, economic and physical resources of the state or in the several regions or areas thereof; to provide for the efficient and coordinated procurement and use by state governmental agencies, political subdivisions of the state, instrumentalities, and institutions of loans, grants, and other forms of assistance from the federal government; to provide for the appointment of the Director of the Office of State Planning and Federal Programs and the employees of the Office of State Planning and Federal Programs; to define the powers and duties of the Office of State Planning and Federal Programs; to provide for the compensation and benefits of said employees; to transfer to the Office of State Planning and Federal Programs all functions, powers, authority and duties and all the books, records, supplies, equipment, personnel, and property and assets of whatsoever nature, heretofore had, exercised, used or employed by the Alabama Development Office in the pursuit of the functions herein delineated including: 1) state planning and programming; 2) proposing or designating areas for the purposes of administering programs which receive aid under federal acts in various political subdivisions or regions; and 3) area-wide planning, review and advise on projects, coordination, and informational services for state and federal grant-in-aid programs; to specifically state the legislative intent is to maintain and retain all the powers, duties, responsibilities, personnel, property and assets of whatsoever nature, not involved in federal programs and federal grants and federal assistance, in the Alabama Development Office, and in the director of the Alabama Development

Office, as the case may be, and that Alabama Development Office shall retain all of its authority, powers, duties, responsibilities, and functions for industrial development; to prescribe that the governor shall have certain duties, powers, and responsibilities therefor; to repeal all laws and parts of laws in conflict with this act.

As thus amended, was read a third time at length and passed.

Yeas 77; Nays 3.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Dial, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—77

Nays: Reps.: Boles, Cheatwood and Naramore.

—3

RULE SUSPENDED

Rule 4(4) was suspended to permit the bill, H. 1033, being other than a local or general bill of local application, to be sent to the Senate without engrossment.

And the bill:

H. 1001. Proposing an amendment to the Constitution of 1901, relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Madison County.

Was read a third time at length and passed.

Yeas 64; Nays 5.

Yeas:

Reps.: Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Dial, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (T), Harrison, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Letson, Lewis, McMillan, Manley, Minus, Naramore, Owens, Patton, Payne, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Tucker, Turner, Venable, Waggoner, Williams, Willis, Wyatt and Zoghby.

—64

Nays: Reps.: Holley, Laird, Riddick, Gregg and Ward.

—5

RULE SUSPENDED

Rule 4(4) was suspended to permit the bill, H. 1001, being other than a local or general bill of local application, to be sent to the Senate.

And the bill:

H. 1034. To abolish the state industrial board and to transfer certain of its powers, duties, functions and authority, together with records, property and funds and assets of whatsoever nature, to the Alabama industrial development advisory board; to create the Alabama industrial development advisory board and to provide for the powers, authority, appointment, terms, removal from office, and compensation of the members of such board; to provide that the board will consist of seven members at-large, appointed by the governor who shall be the chairman thereof; to provide that the board shall advise and consult with the governor and director of Alabama development office relative to industrial and commercial development and programs therefor, including facilitation of foreign investment within the state; to transfer to the Alabama industrial development advisory board those duties and powers prescribed in Section 41-9-183 of the Code of Alabama, 1975, except those prescribed for the office of state planning and federal programs by legislative act; to amend Section 41-9-184 of the Code of Alabama, 1975, relating to the bureau of publicity and information, so as to require the director to cooperate in matters of economic expansion and promotion with the Alabama industrial development advisory board and the director of Alabama development office; and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McMillan, Manley, Minus, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—79

RULE SUSPENDED

On motion of Rep. Owens, Rule 4(4) was suspended to permit the bill, H. 1034, being other than a local or general bill of local application, to be sent to the Senate.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Zoghby offered the motion to reconsider the vote by which the substitute previously offered by her to the bill, H. 1077, was adopted, and the motion to reconsider was adopted.

Yeas 74; Nays 2.

Yeas:

Reps.: Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Lewis, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Rains, Reed, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Willis.

—74

Nays: Reps.: Cosby and Harrison.

—2

SUBSTITUTE TABLED

On motion of Rep. Zoghby, the substitute #1 previously offered by her to the bill, H. 1077, was tabled.

Yeas 80; Nays 1.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Cabaniss, Buskey, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Coburn, Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—80

Nay: Rep. Cosby.

—1

SUBSTITUTE OFFERED

Rep. Zoghby offered the following substitute #2 to the bill, H. 1077:

A BILL TO BE ENTITLED AN ACT

To levy an additional franchise tax on domestic and foreign corporations; to provide for the distribution of the proceeds of said tax and to provide that the provisions of this Act shall be effective only for the fiscal year of 1980-1981.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any and all other taxes heretofore imposed by law, every corporation required by Sections 40-14-40 and 40-14-41, Code of Alabama 1975, to pay an annual franchise tax, is hereby required to pay an

additional annual franchise tax of \$.06 on each \$1,000.00 of its capital stock or of the actual amount of its capital employed in this state. Remittance of this additional franchise tax shall be made to the Department of Revenue. The said tax shall be deposited in the state treasury to the credit of the state public welfare fund to be used exclusively for child care programs.

Section 2. The provisions of this Act shall be effective for the fiscal year of 1980-1981, and at the end of said fiscal year the provisions of this Act shall terminate.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 79; Nays 7.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Harper (T), Harrison, Harvey, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Patton, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Willis.

—79

Nays: Reps.: Blake, Cosby, Hall, Holley, Lewis, Manley and Ray.

—7

AMENDMENT OFFERED

Rep. Zoghby offered the following amendment to the bill, H. 1077 as amended:

On page 1, line 37, delete the words "state public welfare" and insert in lieu thereof:

pensions and security

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (T), Harvey, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan,

Minus, Mitchell, Moore, Naramore, Nevett, Patton, Pegues, Penry, Rains, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Willis.

—77

Nay: Rep. Cosby.

—1

AMENDMENT OFFERED

Rep. Carothers offered the following amendment to the bill, H. 1077 as amended:

Amend Substitute to the Substitute to House Bill 1077, Section 1, Line 36 after the word "treasury" by striking to the credit of the Pensions and Security fund to be used exclusively for child care programs and inserting in lieu thereof to the General Fund.

AMENDMENT TABLED

On motion of Rep. Zoghby, the amendment offered by Rep. Carothers to the bill, H. 1077 as amended, was tabled.

Yeas 56; Nays 20.

Yeas:

Reps.: Albright, Amari, Bedsole, Bennett, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (W), Coburn, Cooley, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Grimsley, Grouby, Hall, Harrison, Harvey, Hilliard, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kennedy, Langford, Letson, McMillan, Minus, Mitchell, Naramore, Nevett, Owens, Patton, Pegues, Penry, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Tucker, Turner, Turnham, Waggoner, Warren, Willis and Wyatt.

—56

Nays:

Reps.: Adams (C), Campbell, Carothers, Clark (G), Cobb, Cosby, Greer, Hammett, Harper (O), Harper (T), Holley, Lewis, Manley, Moore, Olive, Payne, Rains, Venable, Whatley and Williams.

—20

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 575. Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) as amended by Act 499, Regular Session 1979, an act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

Also:

H. 758. Relating to Shelby County; to amend Act No. 105, H. 172, 1967 Special Session (Acts 1967, p. 137), relating to pistol permit fees of such county, so as to increase said fees.

Also:

H. 759. Relating to county health officers or administrators in Shelby County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

Also:

H. 792. An act, to supplement the salaries of the District Judges of the Twenty-Third Judicial Circuit.

Also:

H. 809. To provide for purging the lists of registered voters in Shelby County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Also:

H. 858. To provide that the City of Northport shall have authority, after notice as provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations located within the corporate limits of the City when the same are found by the governing body of such city to be unsafe, dangerous, offensive or injurious to the public health or welfare of the community to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels, whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Also:

H. 919. Relating to Clarke County; repealing Act No. 104, H. 425 of the 1973 Regular Session, entitled, "An Act To create the position of deputy coroner in all counties having a population of not less than 26,000 nor more than 26,800 inhabitants according to the most recent federal decennial census."

Also:

H. 920. Relating to Clarke County; providing further for the office of county coroner; providing for the appointment, qualifications, powers, duties, and salary of the deputy coroner; authorizing the county governing body to appoint not more than two such deputies coroner; providing an expense allowance for the county coroner, payable from the county treasury.

Also:

H. 921. To provide for a certain increase in court costs in the Clarke County Division of the First Judicial Circuit of this state with a portion of the proceeds from such increase to be earmarked for use of the Sheriff of Clarke County.

Also:

H. 923. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Also:

H. 949. To provide for the relief of Marjorie Armstrong by granting to her the extraordinary disability allowance provided by Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts, 1951, pp. 1591-1592), as amended; to state the reasons for granting such allowance; to provide for the periods during which such allowance shall be payable; and to prescribe the conditions and limitations applying to such allowance.

Also:

H. 963. Relating to Clarke County; providing an additional expense allowance for the tax collector and tax assessor of the county, as set by the county commission.

Also:

H. 970. To amend further Act No. 1247, H. 1642, Regular Session 1971 (Acts 1971, p. 2147), relating to the issuance of pistol permits in Cullman County so as to correct a Code citation in such act.

Also:

H. 978. Relating to Monroe County; amending Act No. 1830, H. 2479, 1971 Regular Session (Acts 1971, p. 2996) entitled "An Act To provide for the compensation of the chief clerk of the judge of probate in Monroe County," so as to increase said compensation.

Also:

H. 979. To regulate the registration and identification of certain mobile homes in Chambers County and to prescribe penalties for violation of the provisions of this act.

Also:

H. 986. Relating to the 8th Judicial Circuit; to provide an additional expense allowance to each court reporter.

Also:

H. 987. Relating to Morgan County; providing further for the salaries of the chairman and members of the county commission, effective after the present term.

Also:

H. 993. Relating to Morgan County; to amend Section 1 of Act No. 733, S. 811, Regular Session 1977 (Acts 1977, p. 1279) which regulates the compensation of the members of the county board of registrars, so as to provide further for such compensation, and to give this Act retroactive effect.

Also:

H. 994. Relating to Morgan County; to provide for the mailing addresses of the grantors and grantees to appear on all conveyances of real property recorded in the probate office of such county.

Also:

H. 1010. Relating to Cullman County, to provide for expense allowance for the Board of Registrars, Jury Commission, and Board of Equalization.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 1077 RESUMED

And the bill:

H. 1077. To levy an additional franchise tax on domestic and foreign corporations; to provide for the distribution of the proceeds of said tax and to provide that the provisions of this Act shall be effective only for the fiscal year of 1980-1981.

As thus amended, was read a third time at length and passed.

Yeas 74; Nays 13.

Yeas:

Mr. Speaker, Albright, Amari, Bennett, Biddle, Buskey, Carter, Cates, Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Goodwin, Grimsley, Grouby, Hall, Hammett, Harrison, Harvey, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Owens, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—74

Nays:

Reps.: Adams (C), Adams (H), Blake, Boles, Carothers, Clark (G), Cosby, Gilmer, Greer, Lewis, Manley, Olive and Payne.

—13

RULE SUSPENDED

Rule 4(4) was suspended to permit the bill, H. 1077, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 77; Nays 19.

Yeas:

Mr. Speaker, Albright, Amari, Bedsole, Bennett, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Goodwin, Grimsley, Grouby, Hammett, Harrison, Harvey, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Naramore, Nevett, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—77

Nays:

Reps.: Adams (C), Barton, Biddle, Blake, Boles, Bowling, Carothers, Clark (G), Cosby, Gafford, Gilmer, Greer, Hall, Harper (T), Lewis, Manley, Olive, Payne and Sandusky.

—19

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 564. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 257. CONCERNING THE NATIONAL INTEREST LANDS IN ALASKA: REQUESTING THE PRESIDENT OF THE UNITED STATES AND MEMBERS OF THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF CERTAIN ALASKAN LANDS LEGISLATION CURRENTLY BEFORE CONGRESS.

Also:

H. J. R. 258. MOURNING THE DEATH OF JOSEPH GUY STRAHAN, PRAISING HIS WORKS, AND NAMING THE GAS FIELDS IN LAWRENCE AND FRANKLIN COUNTIES IN HIS HONOR.

Also:

H. J. R. 265. COMMENDING MORRIS MEADOR ON HIS INDUCTION INTO THE U.S.M. SPORTS HALL OF FAME.

Also:

H. J. R. 269. PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1980 REGULAR SESSION OF THE LEGISLATURE WHEN A DATE IS NOT OTHERWISE SPECIFIED.

Also:

H. J. R. 270. MOURNING THE DEATH OF MARTHA B. STEWART.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 412 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,
MICHAEL D. WATERS,
Legal Advisor.

Done this 1st day of May, 1980.

To the House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 412 without my signature and approval and with the following suggested Executive Amendment.

On Page 1, in the Title, Line 25, delete the word "ten" and insert in lieu thereof the word "five".

The adoption of the above and foregoing suggested Executive Amendment will remove my objection to this Bill.

Respectfully,
FOB JAMES,
Governor.

GOVERNOR'S MESSAGE

On motion of Rep. Willis, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Gilmer, Greer, Grimsley, Grouby, Hall,

Harper (T), Harvey, Holmes, Horn, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Ward, Warren, Williams, Willis and Wyatt.

—66

And the bill:

H. 412. To amend Section 22-26-7 of the Code of Alabama 1975, relating to certain land subdivided for single family residences so as to provide that where said land is subdivided into parcels containing any tracts ten acres in size and larger, such size tracts shall not be subject to the requirement of taking a percolation test.

As thus amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas:

Mr. Speaker, Adams (H), Bedsole, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gilmer, Greer, Grouby, Hall, Harper (T), Harvey, Holmes, Horn, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Willis and Wyatt.

—64

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 115. The content of this bill and the certification herein provided shall be used hereafter to determine eligibility of departments for State support of all types.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Roberts, the House concurred in and adopted the Senate amendment to the bill, H. 115, said Senate amendment being as follows:

Amend House Bill 115, page 1, line 34, by striking out the words "unpaid members" and inserting in lieu thereof the words "unsalaried membership."

Yeas 67; Nays 0.

Nays:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Blake, Boles, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Gilmer, Greer,

Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holmes, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Patton, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—67

And the bill, H. 115 as thus amended, was again read at length and passed.

Yeas 74; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Blake, Boles, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (T), Harvey, Holmes, Johnson (Roy), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry Rains, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—74

Nay: Rep. Holley.

—1

And the bill:

H. 518. (With Amendment): To amend Section 1 of Act No. 834, Acts of Alabama 1978 Regular Session, amending Section 39-2-12, Code of Alabama 1975, in order to add thereto definitions of words employed therein, to change the amount of retainage withheld, and to provide further for the methods and manner of investment and the administration of the investment of retainage held in escrow.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Banking, said committee amendment being as follows:

Amend Section (d) (3), page 3, lines 26 through 38, and page 4, lines 4 through 7 so as to read as follows:

"(2) (3) the escrow agent must limit the investment of funds of the contractor held in escrow in lieu of retained amounts provided for in Section (b) (c) of this section to certificates of deposit issued by any State or national bank in the State of Alabama, (including but not limited to certificates of deposit issued by the bank acting as escrow agent) registered in the name of the escrow agent as such under escrow agreement with the contractor savings accounts, certificates of deposit or similar time deposit investments issued by any State or national bank in the State of Alabama, (which may, at the election of the contractor, be in an amount in excess of the maximum dollar amount of coverage by the Federal Deposit Insurance Corporation), U. S. Treasury Bonds, U. S. Treasury Notes, U. S. Treasurer Certificates of Indebtedness, U. S. Treasury Bills, Bonds or Notes of the State of Alabama or bonds of any political subdivision of the State of Alabama."

AMENDMENT TABLED

On motion of Rep. Kelley, the amendment was reported by the Standing Committee on Banking, was tabled.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Blake, Buskey, Cabaniss, Campbell, Carter, Cates, Clark (G), Clark (W), Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Reed, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Ward, Warren, Whatley, Wyatt and Zoghby.

—69

And the bill, H. 518, was read a third time at length and passed.

Yeas 80; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Reed, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—80

Nay: Rep. Holley.

—1

RULE SUSPENDED

On motion of Rep. Kelley, Rule 4(4) was suspended to permit the bill, H. 518, being other than a local or general bill of local application, to be sent to the Senate.

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 518:

Reps.: Amari, Bedsole, Biddle, Blake, Clark (W), Crow, Dial, Drinkard, Greer, Grimsley, Grouby, Harper (O), Harper (T), Howard, Johnson (R. G.), Kennedy, Langford, Lewis, Minus, Nevett, Pegues, Rains, Seibels, Shoemaker, Smith (J), Smith (M), Stewart, Stout, Turner, Waggoner, Warren, Williams and Zoghby.

And the bill:

H. 937. To make an appropriation from the state general fund for the relief of Patricia Rutherford who was gravely injured as a result of a bullet fired by a member of the Alabama National Guard in the aftermath of Hurricane Frederic.

Was read a third time at length and passed.

Yeas 68; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Amari, Bedsole, Bennett, Biddle, Blake, Boles, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley, Crow, Daniels, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Johnson (R. G.), Kennedy, Laird, Langford, Letson, Lewis, McKee, Minus, Moore, Owens, Patton, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—68

Nay: Rep. Holmes.

—1

RULE SUSPENDED

On motion of Rep. Carothers, Rule 4(4) was suspended to permit the bill, H. 937, being other than a local or general bill of local application, to be sent to the Senate.

BILLS INDEFINITELY POSTPONED

On motion of Rep. Barton, the bills, H. 401, H. 402, H. 403, H. 404, H. 405, H. 406 and H. 407, were indefinitely postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 394. Relating to Etowah County; to provide for an expense allowance for the chairman and board members of the Gadsden Water Works and Sewer Board.

Also:

S. 395. Relating to Etowah County; providing expense allowances to the official court reporters of the sixteenth judicial circuit payable from the general fund of the county.

Also:

S. 396. Relating to Etowah County; providing for the total compensation for the clerk of the jury commission; and repealing all conflicting laws.

Also:

S. J. R. 41. NAMING THE NATIONAL GUARD ARMORY AT TUSKEGEE, ALABAMA, "FORT BENJAMIN O. DAVIS."

Also:

S. J. R. 158. REQUESTING PRESIDENT CARTER AND THE CONGRESS TO ALLOCATE TO EACH OF THE STATE HIGHWAY DEPARTMENTS, AND TO OUR STATES' COUNTIES, FOR MAINTENANCE OF STATE AND LOCAL ROADS, ANY INCREASE OF THE FEDERAL MOTOR FUELS TAX.

Also:

S. J. R. 167. COMMENDING MRS. CHARLA ADKISON, OUTSTANDING SCIENCE TEACHER OF THE YEAR.

Also:

S. J. R. 177. COMMENDING THE BRAVE MEN WHO PARTICIPATED IN THE IRANIAN HOSTAGE RESCUE ATTEMPT.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions the titles of which are set out in the above and foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 257. CONCERNING THE NATIONAL INTEREST LANDS IN ALASKA; REQUESTING THE PRESIDENT OF THE UNITED STATES AND MEMBERS OF THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF CERTAIN ALASKAN LANDS LEGISLATION CURRENTLY BEFORE CONGRESS.

Also:

H. J. R. 258. MOURNING THE DEATH OF JOSEPH GUY STRAHAN, PRAISING HIS WORKS, AND NAMING THE GAS FIELDS IN LAWRENCE AND FRANKLIN COUNTIES IN HIS HONOR.

Also:

H. J. R. 265. COMMENDING MORRIS MEADOR ON HIS INDUCTION INTO THE U.S.M. SPORTS HALL OF FAME.

Also:

H. J. R. 269. PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1980 REGULAR SESSION OF THE LEGISLATURE WHEN A DATE IS NOT OTHERWISE SPECIFIED.

Also:

H. J. R. 270. MOURNING THE DEATH OF MARTHA B. STEWART.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 115. The content of this bill and the certification herein provided shall be used hereafter to determine eligibility of departments for State support of all types.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 630. (With Amendments): To create a Department of Environmental Services to consolidate, coordinate and administer environmental programs within the State; to provide that hearing officers within the Department will hear and decide appeals of Department actions and creates a Board of Appeals to review decisions of hearing officers and to hold public hearings.

To create the Division of Surface Mining Control and Reclamation within the Department of Environmental Services to administer the State's regulatory program regarding surface coal mining activities in accordance with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87; to enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and to make the State eligible for federal funding to develop and implement programs to achieve these purposes.

To establish a state program of abandoned mine land reclamation pursuant to the Federal Surface Mining Control and Reclamation Act. To create the Division of Abandoned Mine Land Reclamation within the Department to administer the State reclamation program; to provide for an annual application procedure to the Secretary of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry onto abandoned mine lands; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Section 6(b), pages 8 through 11, of House Bill 630 is amended as follows:

(1) Paragraph (b)(1), lines 18 and 19 on page 8, is amended by deleting the following language:

"(1) Places 1 and 2 may be appointed by the Governor without a request for nominations."

(2) A new paragraph (b)(2), which reads as follows, is added at line 26 on page 8, and present paragraphs (b)(2) through (b)(6) are appropriately renumbered.

"(2) Place 2 from nominations submitted by the International Representative of District 20, United Mine Workers of America."

And the amendment was adopted.

Yeas 40; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bedsole, Campbell, Carter, Clark (G), Clark (W), Coburn, Cosby, Dial, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grouby, Harvey, Hilliard, Johnson (R. G.), Laird, McKee, Manley, Olive, Patton, Pegues, Rains, Roberts, Sasser, Shoemaker, Smith (C), Stewart, Trammell, Turnham, Ward, Whatley, Willis, Wyatt and Zoghby.

—40

Nays: Reps.: Boles, Cheatwood, Horn and Jackson.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. B. 630 on page 5, Section 4, line 8 by adding after the word "Act change the period to a comma and add the following:

"which shall maintain an office in Jefferson County, Al."

And the amendment was adopted.

Yeas 55; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Cabaniss, Campbell, Carothers, Carter, Clark (G), Clark (W), Coburn, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Johnson (R. G.), Kelley, Laird, Letson, McKee, McMillan, Minus, Moore, Olive, Patton, Pegues, Penry, Rains, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—55

Nays: Reps.: Boles and Cheatwood.

—2

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. B. 630 on page 9, Section 6, lines 32 and 33 by striking the following:

"(F) Save our Bay"

"(G) Sierra Club, Alabama Groups"

and inserting in lieu thereof, the following:

"(F) Sierra Club, Alabama Groups"

And the amendment was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Cabaniss, Campbell, Carothers, Carter, Clark (G), Clark (W), Coburn, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Harper (O), Harper (T), Harvey, Hines, Johnson (R. G.), Laird, Letson, McKee, McMillan, Minus, Moore, Olive, Patton, Pegues, Penry, Rains, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turnham, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—56

AMENDMENT OFFERED

Rep. Manley offered the following amendment No. 1 to the bill, H. 630 as amended:

Amend House Bill 630 by striking the words "Alabama Environmental Services Act of 1980" and substituting in their place the words "Alabama Resource Coordination and Regulatory Act of 1980" at

Page

i first line;

1 line 5;

3 lines 11 & 12;

and at any other place they may appear.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Carter, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Harper (O), Hines, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Olive, Patton, Pegues, Penry, Rains, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turnham, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—56

AMENDMENT OFFERED

Rep. Manley offered the following amendment #2 to the bill, H. 630 as amended:

Amend House Bill 630 by striking the words "Department of Environmental Services" and substituting in their place the words "Department of Resource Development" at:

Page

i at the line following "Title I" and in the title line of Section 4;

1 lines 6 & 7 and line 33;

2 line 8;

3 line 8;

4 lines 10 & 11, lines 12 & 13, lines 14 & 15, and lines 23 & 24;

5 lines 5, 7 and 11;

8 lines 6 & 7 and 11;

11 lines 15 & 16;

15 line 12;

32 lines 10 & 11;

36 lines 7 & 8;

37 line 28;

136 lines 13 & 14 and lines 16 & 17;

137 lines 7 & 8;

and at any other place they may appear.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Cabaniss, Campbell, Carothers, Carter, Clark (G), Clark (W), Coburn, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Harper (O), Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Olive, Patton, Pegues, Penry, Rains, Roberts, Sasser, Shoemaker, Smith (C), Stewart, Trammell, Turnham, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghyby.

—58

AMENDMENT OFFERED

Rep. Bedsole offered the following amendment to the bill, H. 630 as amended:

Amend House Bill 630, Section 6, Subsection (6), Page 9, Line 11 by deleting Subsection (6) in its entirety and inserting in lieu thereof the following new Subsection (6)

(6) Place 7 from nominations submitted by a group of citizens and environmental associations and organizations which may include those organizations named herein and any other citizen and environmental association or organizations. Each organization in the group shall have one representative on a nominating committee. The nominating committee shall elect a chairman and establish its procedure for selecting nominees. The chairman of the committee shall act in the name of the group in making nominations. The initial associations and organizations which may be members of the group are:

- (A) Alabama Conservancy
- (B) Alabama Trails Association
- (C) Alabama Wildlife Federation
- (D) Audubon Society, Alabama Chapters
- (E) League of Women Voters of Alabama
- (F) Sierra Club, Alabama Groups

and other appropriate groups with state-wide membership of at least 250. Nothing in this paragraph is intended as excluding citizen participation.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Boles, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—69

SUBSTITUTE OFFERED

Rep. Cheatwood offered the following substitute #1 to the bill, H. 630 as amended:

A BILL
TO BE ENTITLED
AN ACT

To continue the Surface Mining Reclamation Commission as it was established under Act No. 551 with additional responsibility and authority to conform the state's regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and to make the State eligible for federal funding to develop and implement programs to achieve these purposes; and

To repeal Act. No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Short Title. This Act shall be known and may be cited as "The Alabama Surface Mining Act of 1980."

SECTION 2. Declaration of Public Policy and Legislative Intent. ALL AREAS SURFACE MINED UNDER THIS ACT SHALL BE RECLAIMED.

(a) The objective of this Act is to provide for the safe, responsible and reasonable reclamation of lands upon which surface disturbances will be created by surface mining so as to protect the taxable value of property and preserve natural resources within the State and protect and promote the health and safety of the people of this State, consistent with the protection of property and with maximum employment and the economic and industrial well-being of the State. The Legislature finds and declares that the extraction of coal by surface mining provides a major present and future source of energy and, when properly conducted, is an important activity which contributes to the economic and material well-being of the State.

(b) The Legislature finds that the unregulated or irresponsible surface mining coal may cause soil erosion, damage from rolling stones, land slides, and stream pollution, increases the likelihood of floods, reduces the value of land for agricultural purposes, can be detrimental to the conservation of soil, and may create hazards to life and property. It is the intent of the Legislature to assure that surface mining operations are not conducted where reclamation as required by this Act is not feasible. It is the intent of this Act to implement and enforce Public Law 95-87 30 U.S.C. 1200 et. seq., and the permanent regulations, as required for the State to retain exclusive jurisdiction over the regulation of surface coal mining and reclamation operations, provided, that if any provision of Public Law 95-87 or regulations promulgated thereunder which becomes invalidated or suspended by judicial or legislative act, the Commission shall suspend enforcement of this State's corresponding provision to the extent of any such judicial or legislative act.

(c) The Legislature further finds that lands subjected to coal surface mining and not reclaimed or rehabilitated constitutes the aforementioned perils to the welfare of the State. It is the purpose of this Act to promote the full reclamation of areas mined prior to the enactment of this Act.

(d) The Legislature further finds that surface mining reclamation technology is now developed so that effective and reasonable regulation of coal surface mining by the State in accordance with the requirements of this Act is an appropriate and necessary means to reduce adverse, economic and environmental effects of coal surface mining.

(e) The Legislature finds that a major impediment to effective enforcement of laws regulating coal surface mining is identifying and locating those acting in violation of the law; therefore, in order to protect the health, safety and well-being of the citizens of the State of Alabama, the Legislature intends by this Act to require that certain major purchasers and users of and dealers in coal within the State of Alabama be required to furnish the Commission created by this Act with certain information which will assist the Commission in the performance of its duties hereunder.

(f) In order to safeguard life, health and property of the citizens of the State, the Legislature intends, by this Act, to establish certain qualifications for the obtaining of licenses to engage in the business of coal surface mining in the State of Alabama.

(g) The Legislature further finds that there are wide variations in the circumstances and conditions resulting from surface mining due to a diversity in terrain, climate, biologic, hydrologic, geologic, vegetative, chemical and other physical conditions in areas where mining operations occur. By reason of this diversity, it is necessary, in order to achieve the most effective, beneficial, economical, and equitable results, that the provisions of this Act shall have a statewide application and shall supersede and render void any local, municipal or county regulation or control of coal surface mining except that nothing in this Act shall be construed to prohibit municipalities from enacting ordinances which control blasting operations within their municipal limits or police jurisdictions incidental to surface coal mining operations.

(h) The Legislature further finds that an authority should be created to administer and enforce the provisions of this Act.

(i) It is the purpose of this Act to provide such regulation and control of coal surface mining as will reduce injurious effects to the environment and resources of the State and will promote the following objectives:

(1) Establish a statewide program to reduce adverse effects to the environment resulting from coal surface mining; and

(2) Provide that adequate measures are undertaken to reclaim surface mined areas promptly according to the provisions of this Act; and

(3) Exercise the full reach of State constitutional powers to provide protection of the public interest through effective control of coal surface mining; and

(4) Encourage the economic development of the coal resources of the State as a source of energy and other uses.

SECTION 3. Definitions. The following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:

(a) "Applicant" means any person or legal entity who or which applied for a license or a permit to engage in coal surface mining.

(b) "Approximate Original Contour" means that surface configuration achieved by filling and grading of the mined area so that the reclaimed area, including any terracing or access roads, closely resembles the general surface configuration of the land prior to mining and blend into and complements the drainage pattern of the surrounding terrain, with all high walls and spoil piles eliminated; water impoundments may be permitted where the Commission determines that they are in compliance with this Act.

(c) "Coal Broker" and "Coal Sales Agency" means those persons whose principal business is the buying and reselling coal, or the negotiation or soliciting of coal sales between operators and purchasers; where principal business means that at least 25 percent of such person's coal related income is derived from such activities.

(d) "Completed Application" means the forms required by this Act completely filled out and filed in the Director's office, with all questions answered and all required and supporting documents, drawings, maps, schedules, surveys, fees and all other pertinent data required by the rules and regulations of the Commission and this Act.

(e) "Imminent Danger to the Health and Safety of the Public" means the existence of any condition or practice, or any violation of a permit or other requirement of this Act in a surface coal mining and reclamation operation, which condition, practice, or violation could reasonably be expected to cause substantial physical harm to persons outside the permit area before such condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same conditions or practices giving rise to the peril, would not expose himself or herself to the danger during the time necessary for abatement.

(f) "License" means a license to engage in surface coal mining and reclamation operations covered by this Act.

(g) "Operator" means any person conducting surface coal mining and reclamation operations.

(h) "Order" means the grant or denial of any license or permit; the setting, return or refusal to return any bond; or any other official act of the Commission, its Director or authorized agent thereof.

(i) "Outer Slope" means the exposed side of the spoil that slopes away from the pit created by the initial mining cut.

(j) "Permit" means a permit to engage in surface coal mining and reclamation operations issued by the Commission pursuant to this Act. A permit shall constitute an order of the Commission and any violation of its conditions shall be subject to immediate enforcement proceedings.

(k) "Permit Area" means the area of land indicated on the approved map submitted by the operator with his application which area of land shall be covered by the operator's bond as required by Section 14 of this Act and shall be readily identifiable by appropriate markers on the site.

(l) "Person" means an individual, partnership, association, society, joint stock company, firm, company, corporation, or other business organization and any successor or agency of the foregoing.

(m) "Prime Farmland" shall have the same meaning as prescribed by the United States Secretary of Agriculture on the basis of such factors as moisture availability, temperature regime, chemical balance, permeability, surface layer composition, susceptibility to flooding and erosion characteristics, and which historically have been used for intensive agricultural purposes.

(n) "Reclamation" means the process of converting mined land to its former or other allowable use as required by this Act.

(o) "Regulatory Authority" or "State Regulatory Authority" means the Alabama Surface Mining Reclamation Commission.

(p) "Revegetation" means plants or growth which replace, where required, original ground cover following ground disturbance.

(q) "Spoil Pile" means a deposit as piled or deposited in mining of overburden or reject materials and minerals which previously was overlying or in between coal deposits.

(r) "State Program" means the Commission acting under a program approved pursuant to Section 503 of Public Law 95-87, 30 U.S.C. 1200.

(s) "Surface Coal Mining and Reclamation Operations" means surface coal mining operations and all activities necessary and incident to the reclamation of such operations.

(t) "Surface Coal Mining Operations" means—

(a) activities conducted on the surface of lands in connection with the surface coal mines extracting coal from the earth by removing the strata or material which overlies or is above or between coal seams or otherwise exposing and retrieving it from the surface and surface impacts incident to an underground coal mine. Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, mountain-top removal, box cut, open pit, and area mining, the use of explosives and blasting, and in situ distillation or retorting, leaching or other chemical or physical processing, and the cleaning, concentrating, or other processing or preparation, loading of coal at or near the mine site; and

(b) the areas upon which such activities occur or where such activities disturb the natural land surface. Such areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to

gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface resulting from or incident to such activities.

(u) "Unwarranted Failure to Comply" means the failure of a permittee to prevent the occurrence of any violation of his permit or any requirement of this Act due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit or the Act due to indifference, lack of diligence, or lack of reasonable care.

SECTION 4. The Alabama Surface Mining Reclamation Commission.

(a) The Alabama Surface Mining Reclamation Commission is continued as it was established by Acts 1975, No. 551 with the additional powers and responsibilities of implementing and enforcing this Act, carrying out the intent and policy stated in Section 2 hereof, and promulgating regulations consistent with federal regulations promulgated pursuant to P.L. 95-87. All members of the Commission appointed under authority of Section 9-16-33, Code of Alabama 1975, shall continue their terms as created under that Act. All reappointments and filling of vacancies shall be filled in the same manner as herein set out in subsection (c).

(b) The Commission shall be composed of seven members, who are fair and reasonable citizens of the State, appointed for a term of four years by the Governor, with the advice and consent of the Senate, as follows:

1) One Commission member shall be appointed from each of the three counties in Alabama which produced the greatest number of tons of surface mined coal, as indicated by the records of the State of Alabama in the complete fiscal year immediately preceding that appointment.

(2) (A) One of the appointees to the Commission shall be a person who, by reason of his education, previous training and experience, can be classed as one capable and experienced in the technology of earth grading, removal and movement.

(B) One of the appointees to the Commission shall be a professional forester duly registered pursuant to the laws of the State of Alabama with not less than 10 years' experience in professional forestry.

(C) One of the appointees to the Commission shall be a professional civil or mining engineer duly registered pursuant to the laws of the State of Alabama with not less than 10 years' experience in professional engineering in surface mining or technologically related fields.

(D) One appointee to the Commission shall be an attorney duly licensed to practice law in the State of Alabama having not less than 10 years' experience in the active practice of law, the majority of whose years in practice shall have been in one of the three counties in Alabama which produced the greatest number of tons of surface mined coal as indicated by the records of the State of Alabama in the complete fiscal year immediately preceding that appointment.

(c) New commissioners shall be appointed upon the expiration of the terms of the present commissioners as set out in the following schedule:

(1) The Commissioner who is the representative from Jefferson County (§(b)(1)) and the Commissioner who must be an attorney duly licensed to practice law in Alabama. (§(b)(2)(D))—December 30, 1979.

(2) The Commissioner who is the representative from Walker County (§(b)(1)) and the Commissioner who must be a registered forrester (§(b)(2)(B))—December 30, 1980.

(3) The Commissioner who is the representative from Tuscaloosa County (§(b)(1))—December 30, 1982.

(4) The Commissioner who must be experienced in the technology of earth grading, removal and movement (§(b)(2)(A)) and the Commissioner who must be a professional civil or mining engineer (§(b)(2)(c))—December 30, 1983.

(d) Within 10 days of nomination by the Governor, each nominee shall file with the Secretary of the Senate a verified statement setting forth the following information: the names of all coal companies from whom such nominee has received any income of any sort during the 10 years immediately preceding such nomination; the name or names of all coal companies in which the nominee is or in the 10 years immediately preceding such nomination has been an officer, director, stockholder or partner; and all the names of all organizations, clubs and associations of which the nominee is or in the 10 years immediately preceding such nomination has been a member. No Commission member may have a direct or indirect financial interest in underground or surface coal mining operations, and may not participate in any proceeding conducted pursuant to Section 21 in which the Commission member is an employee, officer, director, shareholder or partner or where any organization, club or association of which the Commission member is a member, officer, agent, director or employee instigated the proceeding, is a defendant, or has any other direct interests in the outcome of the proceeding, other than as a member of the Commission.

(e) The Commission shall appoint a Director of the Alabama Surface Mining Reclamation Commission and shall fix his compensation. The Commission may appoint an Assistant Director or Assistant Directors, and the compensation of such Assistant Directors shall be fixed by the Commission subject to provisions of the State merit system. The Director shall be the chief operating officer of the Commission and shall be charged with exercising such powers, duties and functions as may be conferred upon him by the Commission or this Act, except the Director shall not have the power to promulgate, modify, suspend or repeal any standards, rules or regulations provided for or authorized under this article. The Director is authorized, subject to the approval of the Commission, to create such divisions of his office as may be necessary to carry out its functions and may employ professional, technical, legal or clerical personnel as may be necessary to carry out the duties and functions of the Commission. He may also, with the approval of the Commission, contract with private persons, firms or corporations to provide professional or technical assistance or consultant services to assist his office in carrying out the purposes of this Act.

(f) The members of said Commission shall receive as compensation \$75.00 per day for each day of official business as approved and validated by the chairman. The chairman shall receive \$100.00 per day for each full day he is occupied with business of the Commission. The chairman is hereby authorized to approve actual expenses for necessary out-of-state travel and all other reasonable and related costs incurred for the purpose of this Act.

(g) Four members of the Commission shall constitute a quorum, and the Commission shall keep a complete and accurate record of all its meetings, a copy of which shall be kept on file in the office of the Commission and open to public inspection. The Commission shall meet at least once every 30 days.

(h) The Commission shall establish and maintain its principal office in Walker County, Alabama and establish and maintain such field offices in other coal producing counties as it may consider necessary for the proper discharge of its duties.

(i) Funds which are or may become available from any source, appropriations, or otherwise, to accomplish the purposes of this Act shall be disbursed by the Commission or by the Director in accordance with rules prescribed by the Commission.

(j) The Governor may remove any member of the Commission from office for neglect of duty, malfeasance, misfeasance, after unanimous consent and agreement by the Lieutenant Governor, Speaker of the House of Representatives and Attorney General of Alabama, by delivering to the member the charges against him in writing with at least 10 days' written notice of the time and place at which the Governor will publicly hear the member, who may appear either in person or by counsel, in defense of the charges against him. If the member is removed from office, the Governor shall file with the Secretary of State a complete statement of the charges made against the member and a complete report of the proceedings. The action of the Governor removing a member from office is final.

SECTION 5. Powers. In addition to any other powers conferred on it by law, the Commission shall have the power to:

(1) Adopt, amend, suspend, repeal and enforce rules and regulations to control coal surface mining reclamation consistent with this Act including the declaration of public policy and legislative intent contained in Section 2.

(2) Hold hearings relating to any aspect or matter in the administration of this Act and, in connection therewith, compel the attendance of witnesses and the production of evidence;

(3) Issue such orders as may be necessary to effectuate the purposes of this Act and enforce the same through appropriate administrative and judicial proceedings;

(4) Enforce the rules, regulations and standards governing the use of explosives for the purpose of blasting in surface coal mining; and certification provision from 719 of 95-87.

(5) Secure necessary scientific, technical, administrative and operational services, including laboratory facilities by contract or otherwise;

(6) Encourage voluntary cooperation by persons and groups to achieve the purposes of this Act;

(7) Encourage and conduct studies, investigations and research relating to surface mining reclamation;

(8) Establish and enforce coal surface mining reclamation standards for the State.

(9) Collect and disseminate information and conduct educational and training programs relating to coal surface mining and reclamation of land;

(10) Advise, consult, contract and cooperate with other agencies of the State, local governments, industries, other states, interstate agencies and the Federal government and with interested persons or groups;

(11) Consult, upon request, with any person proposing to construct, install or otherwise acquire a coal surface mine, concerning the efficacy of construction, installation or acquisition of such surface mine. Nothing in any such consultation shall be construed to relieve any person from compliance with this Act, rules and regulations in force pursuant thereto or any other provision of law;

(12) Accept, receive and administer grants or other funds or gifts from public and private agencies, including the Federal government, for the purpose of carrying out any of the functions of this Act. Funds received by the Commission pursuant to this section shall be deposited in the State Treasury to the account of the Alabama Surface Mining Reclamation Fund. The Commission is hereby designated as the regulatory authority for the purposes of Section 503 of the federal Surface Mining Control and Reclamation Act of 1977, Public law 95-87, 30 U.S.C. 1200;

(13) Employ personnel and consultants as may be necessary for the administration of this Act. Subject to any applicable restrictions contained in law, any department or agency of the state may, from its available resources, provide the Commission with personnel and services, with or without charge, and the Commission may compensate other agencies for services;

(14) Provide for the performance by its Director, Assistant Directors or staff and employees in the name of the Commission, of any act or duty authorized by and consistent with administration of this Act, except for the promulgation, modification, suspension or repeal of standards, rules and regulations;

(15) Perform other acts and duties consistent with the provisions of this article as may be necessary to implement the declaration of public policy and legislative intent contained in Section 2;

(16) Provide for the establishment of advisory committees, appointment and adequate compensation for membership of said committees, scope of study and other duties, periods of duration and terms of advisory members;

(17) Issue, modify or revoke orders prohibiting actions which violate this Act or the rules, regulations or standards promulgated pursuant to this Act and require affirmative action to bring any surface mining operator into compliance with this Act;

(18) Issue, continue in effect, revoke, modify or deny permits for the conduct of surface coal mining operations or explorations which are subject to this Act;

(19) Issue warnings and initiate civil or criminal actions as provided for in this Act;

(20) Purchase such liability insurance as may be reasonably necessary to assure adequate protection of the Commission, its Director, employees and agents for lawful acts by them during the course of enforcing and administering this Act;

(21) a. Enforce the provisions of the State program approved pursuant to Section 503 of the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. 1200.

b. The Commission shall make every effort to obtain full reimbursement from the Director of the Office of Surface Mining Reclamation and Enforcement for the costs of performing its duties under paragraph (22) a. hereof.

(22) No commission member, employee of the Commission, or any other State employee performing any function or duties under this Act shall have a direct or indirect financial interest in underground or surface coal mining operations. Whoever knowingly violates the provisions of the above sentence shall, upon conviction, be punished by a fine of not more than Two Thousand, Five Hundred Dollars (\$2,500), or by imprisonment for not more than one year, or both.

SECTION 6. Licenses.

(a) All surface coal mining operations shall be subject to the provisions of this Act, except as excluded in Section 26.

(b) No person shall engage in or carry out on lands within the State any surface coal mining operations unless such person has first obtained a license in accordance with the provisions of this Section. The term of a license shall be continuous and shall authorize the licensee subject to the other provisions of this Act to engage in surface coal mining operation unless the license shall be suspended or revoked in accordance with the provisions of this Act. Suspension, revocation or subcontracting shall in no way relieve the licensee of his obligation to comply with the reclamation requirement of this Act.

(c) An applicant for a license shall file an application in a format prescribed by and satisfactory to the Regulatory Authority and shall contain, among other things, the following information:

(1) The name of the applicant and whether the applicant is individual, partnership, corporation or other legal entity;

(2) The legal address of the applicant for service of legal process or notice.

(3) If known, the names and addresses of the agents, subsidiaries or independent contractors who may be engaged in coal surface mining on behalf of the applicant on land to be affected. Any agent, subsidiary or independent contractor engaged by applicant subsequent to issuance of a permit shall be identified to the Regulatory Authority within thirty (30) days of its engagement. The utilization of an agent, subsidiary or subcontractor shall not relieve the licensee of its responsibility hereunder;

If the applicant is a partnership, corporation, association, or other business entity, the following where applicable: the names and addresses of every officer, partner, director, or person performing a function similar to a director, of the applicant, together with the name and address of any person owning, of record 10 percentum or more of any class of voting stock of the applicant and a list of all names under which the applicant, partner, or principal shareholder previously operated a surface mining operation within the United States within the five-year period preceding the date of submission of the application;

(5) All names under which the applicant partner or principal shareholder operated or is engaging in coal surface mining within the State of Alabama, or any other state;

(6) A statement of whether the applicant, any subsidiary, affiliate, or persons controlling, controlled by or under common control with the applicant, or any partner of the applicant, if the applicant is a partnership, or any principal officer or director, if applicant is a corporation, has ever held, in any state a Federal or State mining permit which in the five year period prior to the date of submission of the application has been suspended or revoked or has had a mining bond or similar security deposited in lieu of bond forfeited and, if so, a brief explanation of the facts involved;

(d) The applicant shall, as a condition to obtaining a license, satisfy the Regulatory Authority, pursuant to reasonable standards and regulations to be promulgated by it, of the applicant's ability to comply with the provisions of this Act, which standards shall include but not be limited to the following requirements:

(1) Demonstrate that it has available to it sufficient technical skill to assure compliance with the provisions of this Act and the regulations adopted pursuant hereto;

(2) Demonstrate sufficient financial responsibility to reasonably assure the Regulatory Authority of the applicant's financial ability to execute the requirements of this Act pursuant to regulations promulgated by the Regulatory Authority.

(3) Certify by notarized statement under oath that the applicant has read and is fully familiar with the provisions of this Act and with all reclamation requirements contained in this Act and regulations promulgated by the Regulatory Authority.

(4) Certify that the applicant will obtain and will furnish the Regulatory Authority evidence of having obtained such permits as may be required prior to commencing operation under any permit which may be issued under this Act to the applicant.

(e) The Regulatory Authority shall have ninety (90) days to investigate and to consider the application and issue the license or an order denying its issuance, setting out deficiencies and reasons why the license was not issued and what corrective action should be taken.

(f) (1) The initial fee for a license shall be \$1,000.00 and shall be submitted with the application. Licenses shall be updated annually pursuant to regulations.

(2) A licensee with a valid license issued by the Alabama Surface Mining Reclamation Commission prior to the effective date of this Act and who intends to conduct surface coal mining and reclamation operations pursuant to this Act must reapply to the Regulatory Authority for a license within 90 days of the effective date of this Act. The fee for such application shall be \$200.00 and shall be in lieu of the \$1,000.00 initial licensing. The license shall be granted provided that no prior licensee shall be eligible to receive a license until all outstanding and delinquent fines, fees, penalties or other debts owed to the Alabama Surface Mining Reclamation Commission or other state agency by the prior licensee shall have been paid in full to the Regulatory Authority.

SECTION 7. Permits.

(a) No person shall engage in surface coal mining operations at a particular location until such person has been issued a permit by the Regulatory Authority for that location in accordance with the provisions of this

Section. The term of a permit shall not exceed 5 years and shall authorize the permittee to engage in surface coal mining operations within the permitted area, unless sooner suspended or revoked in accordance with the provisions of this Act. If a permittee qualified under this Act succeeds another at any uncompleted operation by sale, assignment, lease or otherwise, the Director may release the first permittee from all liability for permit and bond requirements of this Act after the successor permittee has posted adequate bond, the successor permittee's permit application has been approved, and successor permittee assumes full liability for mining and reclamation procedures established herein.

(b) A permit shall terminate prior to its expiration date if the permittee has not commenced the surface coal mining operations covered by such permit within three (3) years of the issuance of the permit: provided, that the Regulatory Authority may grant reasonable extensions of time upon a showing that such extensions are necessary by reason of litigation precluding such commencement or threatening substantial economic loss to the permittee, or by reason of conditions beyond the control and without the fault or negligence of the permittee.

(c) Any valid permit issued pursuant to this Act shall carry with it the right of successive renewal upon expiration with respect to areas within the boundaries of the existing permit.

(1) The holders of the permit may apply for renewal and such renewal shall be issued, subsequent to fulfillment of the public notice requirements provided it is established by the permittee to the satisfaction of the Regulatory Authority that—

(A) the terms and conditions of the existing permit are being satisfactorily met;

(B) the present surface coal mining and reclamation operation is in compliance with the environmental protection standards of this Act;

(C) the renewal requested does not substantially jeopardizes the permittee's or operator's continuing responsibility on existing permit areas;

(D) the permittee has provided evidence that the performance bond in effect for said operation will continue in full force and effect for any renewal requested in such application as well as any additional bond the Regulatory Authority might require;

(E) any additional revised or updated information required by the Regulatory Authority has been provided; and

(F) there has been compliance with the terms of other permits, or the orders, requirements rules, regulations, or standards of the Regulatory Authority on all other operations conducted by the permittee.

(2) Prior to the approval of any renewal of a permit, the Regulatory Authority shall provide notice to the appropriate public authorities.

(3) If an application for renewal of a valid permit includes a proposal to extend the mining operation beyond the boundaries authorized in the existing permit, the portion of the application for renewal of a valid permit which addresses any new land areas shall be subject to the full standards applicable to new applications under this Act.

(4) Any permit renewal shall be for a term not to exceed the period of the original permit established by this Act. Application for permit renewal shall be made at least one hundred and twenty days (120) days prior to the expiration of the valid permit.

SECTION 8. Applications for Permit.

(a) Each application for a surface coal mining reclamation permit under the provisions of this Act shall be accompanied by a fee as determined by the Regulatory Authority, but not to exceed the anticipated cost of reviewing, administering and enforcing the permit, however in no event shall the permit fee be less than one thousand dollars (\$1000).

(b) The permit application shall be submitted in a format prescribed by and satisfactory to the Regulatory Authority and shall contain:

(1) such information deemed necessary by the Regulatory Authority consistent with the requirements of section 507(b) of P.L. 95-87, 50 U.S.C. § 1257(b);

(2) a determination of the probable hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, quantity and quality of water in surface and ground water systems including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mining site and surrounding areas so that an assessment can be made by the Regulatory Authority of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability; provided, however, that this determination shall not be required until such time as hydrologic information on the general area prior to mining is made available from an appropriate Federal or State agency; provided, further, that the permit shall not be approved until such information is available and is incorporated into the application;

(3) information pertaining to coal seams, test borings, core samplings, or soil samples as required by this section. Such information shall be made available to any person with an interest which is or may be adversely affected; provided, that information which pertains only to the analysis of the chemical and physical properties of the coal (except information regarding such mineral or elemental content which is potentially toxic in the environment) shall be kept confidential and not made a matter of public record.

(c) Each applicant for a permit shall be required to submit to the Regulatory Authority as part of the permit application a reclamation plan which shall meet the requirements of this Act.

(4) certification that the applicant is in compliance with all county and municipal zoning laws

(5) any other information which the Regulatory Authority deems pertinent to the approval or disapproval of the permit application.

(d) Each applicant for a surface coal mining and reclamation permit shall file a copy of his application for public inspection with the recorder at the courthouse of the county or an appropriate public office approved by the Regulatory Authority where the mining is proposed to occur. Each applicant for a permit shall be required to submit to the Regulatory Authority as part of the permit application a certificate issued by an insurance company authorized to do business in the State certifying that the applicant has a public liability insurance policy in force for the surface coal mining and reclamation operations for which such permit is sought. Such policy shall provide for personal injury and property damage protection in an amount adequate to

compensate any persons damaged as a result of surface coal mining and reclamation operations including use of explosives and entitled to compensation under the applicable provisions of State law. Such policy shall be maintained in full force and effect during the terms of the permit or any renewal, including the length of all reclamation operations.

(e) Each applicant for a surface coal mining and reclamation permit shall submit to the Regulatory Authority as part of the permit application a blasting plan which shall outline the procedures and standards by which the operator will meet the requirements of regulations and standards adopted by the Regulatory Authority pursuant to Section 15 of this Act and Section 515(b) (15) of P.L. 95-87, 30 U.S.C. § 1265(b)(15).

SECTION 9. Reclamation Plan Requirements.

(a) Each reclamation plan submitted as part of a permit application pursuant to the provisions of this Act shall include: (1) Such information as the Regulatory Authority shall, by duly promulgated regulations, require. Such regulations shall not be inconsistent with the requirements of Section 508 of P.L. 95-87, 30 U.S.C. § 1258 and the regulations promulgated thereunder. (2) The results of test boring which the applicant has made at the area to be covered by the permit, or other equivalent information and data in a form satisfactory to the Regulatory Authority, including the location of subsurface water, and an analysis of the chemical properties including acid forming properties of the mineral and overburden; provided, that information which pertains only to the analysis of the chemical and physical properties of the coal (except information regarding such mineral or elemental contents which are potentially toxic in the environment) shall be kept confidential and not made a matter of public record.

SECTION 10. Permit Approval or Denial.

(a) Upon the basis of a complete mining application and reclamation plan or a revision or renewal thereof, as required by this Act, following public notification and opportunity for a public hearing as required by Section 14, the Regulatory Authority shall grant, require modification of, or deny the permit within a reasonable time and notify the applicant in writing of its action. The applicant for a permit, or revision of a permit, shall have the burden of establishing that his application is in compliance with all the requirements. Within ten days after the granting of a permit, the Regulatory Authority shall notify the local governmental officials in the local political subdivision in which the area of land to be affected is located that a permit has been issued and shall describe the location of the land.

(b) No permit or revision application shall be approved unless the application affirmatively demonstrates and the Regulatory Authority finds in writing on the basis of the information set forth in the application or from information otherwise available which will be documented in the approval, and made available to the applicant, that—

(1) the permit application is accurate and complete and that all the requirements of this Act have been complied with;

(2) the applicant has demonstrated that reclamation as required by this Act can be accomplished under the reclamation plan contained in the permit application;

(3) the assessment of the probable cumulative area on the hydrologic balance specified in Section 8(b) has been made by the Regulatory Authority and the proposed operation thereof has been designed to prevent material damage to hydrologic balance outside the permit area;

(4) the area proposed to be mined is not included within an area designated unsuitable for surface coal mining pursuant to Section 26 of this Act or is not within an area under study for such designation in an administrative proceeding commenced pursuant to Section 26(a) (4) (C) or Section 26(b) (unless in such an area as to which an administrative proceeding has commenced pursuant to Section 25(a) (4) (C) of this Act, the operator making the permit application demonstrates that, prior to January 1, 1977, he has made substantial and irrevocable legal and financial commitments in relation to the operation for which he is applying for a permit);

(5) in cases where the private mineral estate has been severed from the private surface estate, the applicant has submitted to the Regulatory Authority—

(A) the written consent of the surface owner to the extraction of coal by surface mining methods; or

(B) a conveyance that expressly grants or reserves the right to extract the coal by surface mining methods; or

(C) if the conveyance does not expressly grant the right to extract coal by surface mining methods, the surface-subsurface legal relationship shall be determined in accordance with State law; provided, that nothing in this Act shall be construed to authorize the Regulatory Authority to adjudicate property right disputes.

(6) that the applicant is in compliance with the terms and conditions of all existing permits, and the orders, requirements, rules, regulations and standards of the regulatory authority.

(7) that no other reason exist for denial of the application.

(c) The applicant shall file with his permit application a schedule listing any and all notices of violations of this Act and any law, rule, or regulation of the United States, or of any department or agency in the United States pertaining to environmental protection and the public health, safety or welfare incurred by the applicant in connection with any surface coal mining operation during the three-year period prior to the date of application. The schedule shall also indicate the final resolution of any such notice of violation. Where the schedule or other information available to the Regulatory Authority indicates that any surface coal mining operation owned or controlled by the applicant is currently in violation of this Act or such other laws referred to this subsection, the permit shall not be issued until the applicant submits proof that such violation has been corrected or is in the process of being corrected to the satisfaction of the Regulatory Authority, department, or agency which has jurisdiction over such violation, and no permit shall be issued to an applicant after a finding by the Regulatory Authority, after opportunity for hearing, that the applicant, or the operator specified in the application, controls or has controlled mining operations with a demonstrated pattern of willful violations of this Act.

(d) (1) In addition to finding the application in compliance with subsection (b) of this section, if the area proposed to be mined contains prime farm land identified as such pursuant to Section 8(b) (1) of this Act and Section 507(b) (16) of P.L. 95-87, 30 U.S.C. § 1257 (b) (16), the Regulatory Authority shall, after consultation with the Secretary of Agriculture, and pursuant to regulations issued by the Secretary of Interior with the concurrence of the Secretary of Agriculture, grant a permit to mine on prime farm land if the Regulatory Authority finds in writing that the operator has the

technological capability to restore such mined area, within a reasonable time, to equivalent or higher levels of yield as non-mined prime farm land in the surrounding area under equivalent levels of management and can meet the soil reconstruction standards adopted by the Regulatory Authority pursuant to Section 15 of this Act and Section 515 (b) (7) of P.L. 95-87, 30 U.S.C. § 1265 (b) (7). Except for compliance with subsection (b) of this section, the requirement of this paragraph shall apply to all permits issued after the effective date of this Act.

(2) Nothing in this subsection shall apply to any permit issued prior to August 3, 1977, or any existing surface mining operations for which a permit was issued prior to the date of enactment of this Act.

SECTION 11. Revision of Permits.

(a) (1) During the term of the permit the permittee may submit an application for a revision of the permit, together with a revised reclamation plan, to the Regulatory Authority.

(2) An application for a revision of a permit shall not be approved unless the Regulatory Authority finds that reclamation as required by this Act can be accomplished under the revised reclamation plan. The revision shall be approved or disapproved within a period of time established by the Regulatory Authority's regulations. The Regulatory Authority shall establish guidelines for a determination of the scale or extent of a revision request for which all permit application information requirements and procedures, including notice and hearings, shall apply; provided, that any revisions which propose significant alterations in the reclamation plan shall, at a minimum, be subject to notice and hearing requirements.

(3) Any extensions to the area covered by the permit except incidental boundary revisions must be made by application for another permit.

(b) No transfer, assignment, or sale of the rights granted under any permit issued pursuant to this Act shall be made without the written approval of the Regulatory Authority.

(c) The Regulatory Authority shall within a time limit prescribed in regulations promulgated by the Regulatory Authority review outstanding permits and may require reasonable revision or modification of the permit provisions during the term of such permit; provided, that such revision or modification shall be based upon a written finding and subject to notice and hearing requirements established by this Act.

SECTION 12. Coal Exploration Permits.

(a) Coal exploration operations including the removal of coal samples for testing, assaying or other associated purposes which substantially disturb the natural land surface may be conducted after: (1) filing a notice of intention to explore, including a description of the exploration area and the period of proposed exploration and provisions for reclamation in accordance with regulations adopted by the Regulatory Authority pursuant to Section 15 of this Act; or (2) if the operator intends to remove more than 250 tons of coal or affect more than one-half acre in any one location, filing an application and receiving a permit in accordance with the exploration regulations issued by the Regulatory Authority.

(b) Any person who conducts any coal exploration activities which disturb the natural land surface in violation of this section or regulations issued pursuant thereto shall be subject to the enforcement provisions of this Act.

SECTION 13. Permit Review Process and Appeals.

(a) At the time of submission of an application for a surface coal mining and reclamation permit, or revision of an existing permit, pursuant to the provisions of this Act, the applicant shall place an advertisement in a local newspaper of general circulation of the locality of the proposed surface mine at least once a week for four consecutive weeks. Such advertisement shall set forth ownership, precise location, and boundaries of the land to be affected. At the time of submission such advertisement shall be submitted to the Regulatory Authority by the applicant. The Regulatory Authority shall notify various local governmental bodies, planning agencies, and sewage and water treatment authorities or water companies in the locality in which the proposed surface mining will take place, notifying them of the operator's intention to surface mine a particularly described tract of land and indicating the application's permit application number and where a copy of the proposed mining and reclamation plan may be inspected. These local bodies, agencies, authorities or companies may submit written comments within a reasonable period established by the Regulatory Authority on the mining applications with respect to the effect of the proposed operation on the environment. Such comments shall immediately be transmitted to the applicant by the Regulatory Authority and shall be made available to the public at the same locations as are the mining applications.

(b) Any person shall have the right to file written objections to the proposed initial or revised application for a permit for surface coal mining and reclamation operation with the Regulatory Authority within thirty days (30) after the last publication of the above notice. Such objections shall immediately be transmitted to the applicant by the Regulatory Authority and shall be made available to the public. If written objections are filed and an informal conference requested, the Regulatory Authority shall then hold an informal conference in the locality of the proposed mining if requested within a reasonable time of the receipt of such objections or request. The date, time and location of such informal conference shall be advertised by the Regulatory Authority in a newspaper of general circulation in the locality at least two weeks prior to the scheduled conference date. The Regulatory Authority may arrange with the applicant upon request by any party to the administrative proceeding access to the proposed mining area for the purpose of gathering information relevant to the proceeding. An electronic or stenographic record shall be made of the conference proceeding if requested by any party. Such record shall be maintained and shall be accessible to the parties until final release of the applicant's performance bond. In the event all parties requesting an informal conference stipulate agreement prior to the requested informal conference and withdraw their request, such informal conference need not be held.

(c) If an informal conference has been held pursuant to subsection (b), the Regulatory Authority shall issue and furnish the applicant for a permit and persons who are parties to the administrative proceedings with the written finding of the Regulatory Authority granting or denying the permit in whole or in part and stating the reasons therefor within the sixty days of said hearings.

(d) If there has been no informal conference held pursuant to subsection (b), the Regulatory Authority shall notify the applicant for a permit within a reasonable time as determined by the Regulatory Authority and set forth in regulations, taking into account the time needed for proper

investigation of the site, the complexity of the permit application, and whether or not written objection to the application has been filed, whether the application has been approved or disapproved in whole or part. If the application is approved, the permit shall be issued.

(e) If the application is disapproved, specific reasons therefor must be set forth in the notification. Within thirty days after the applicant is notified of the final decision of the Regulatory Authority on the permit application, or if the Regulatory Authority fails to act within the time limitations specified in this Act, any interested person may request a hearing on the reasons for the final determination. The Regulatory Authority shall hold a hearing within thirty days of such request in accordance with the provisions of Section 20 of this Act. No person who presided at a conference under subsection (b) shall either preside at the hearing or participate in this decision thereon. Within thirty days after the hearing the Regulatory Authority shall issue and furnish the applicant, and all persons who participated in the hearing, with the written decision of the Regulatory Authority granting or denying the permit in whole or in part and stating the reasons therefor.

(f) Where a hearing is requested pursuant to subsection (e), the Regulatory Authority may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceedings if—

(1) all parties to the proceedings have been notified and given an opportunity to be heard on a request for temporary relief;

(2) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding; and

(3) such relief will not adversely affect the public health or safety or cause significant environmental harm to land, air, or water resources.

(g) For the purpose of such hearing, the Regulatory Authority may administer oaths, subpoena witnesses, or written or printed materials, compel attendance of the witnesses, or production of the materials, and take evidence including but not limited to site inspections of the land to be affected and other surface coal mining operations carried on by the applicant in the general vicinity of the proposed operation. A verbatim record of each public hearing required by this Act shall be made, and a transcript made available on the request payment of costs by the requesting party.

(h) Any applicant or any person who has participated in the administrative proceedings as an objector, and who is aggrieved by the decision of the Regulatory Authority, or if the Regulatory Authority fails to act within the time limits specified in this Act shall have the right to seek review in the Circuit Court in accordance with the provisions of Section 20 of this Act.

SECTION 14. Performance Bonds and Bond Releases.

(a) After a surface coal mining and reclamation permit application has been approved but before such a permit is issued, the applicant shall file with the Regulatory Authority, on a form prescribed and furnished by the Regulatory Authority, a bond for performance payable to the State and conditional upon faithful performance of all the requirements of this Act and the permit. The bond shall cover all lands to be disturbed by the surface mining operation. The amount of the bond required for each bonded area shall depend upon the reclamation requirements of the approved permit, shall reflect the

probable difficulty of reclamation giving consideration to such factors as topography, geology of the site, hydrology, and revegetation potential, and shall be determined by the Regulatory Authority. The amount of the bond shall be sufficient to assure the completion of the reclamation plan if the work had to be performed by the Regulatory Authority in the event of forfeiture and in no case shall the bond for the entire area under one permit be less than ten thousand dollars (\$10,000).

(b) Liability under the bond shall be for the duration of the surface coal mining and reclamation operation and for the period coincident with operator's responsibility for revegetation requirements in regulations adopted by the Regulatory pursuant to Section 15. The bond shall be executed by the operator and a corporate surety licensed to do business in the State, except that the operator may elect to deposit cash, negotiable bonds of the United States Government or State, or negotiable certificates of deposit of any bank organized or transacting business in the United States. The cash deposit or market value of such securities shall be equal to or greater than the amount of the bond required for the bonded area.

(c) Cash or securities so deposited shall be deposited upon the same terms as the terms upon which surety bonds may be deposited. Such securities shall be security for the repayment of such negotiable certificate of deposit.

(d) The amount of the bond or deposit required and the terms of each acceptance of the applicant's bond shall be adjusted by the Regulatory Authority from time to time as the methods of mining operation change, standards of reclamation change or when the cost of future reclamation, restoration or abatement change. The Regulatory Authority shall notify the permittee of any proposed bond adjustment and provide the permittee an opportunity for an informal conference on the adjustment, with notice to the landowner and surety, if any.

(f) The permittee may file a request with the Regulatory Authority for the release of all or part of a performance bond or deposit. Within thirty days after any application for bond or deposit release has been filed with the Regulatory Authority, the operator shall submit a copy of an advertisement placed at least once a week for four successive weeks in a newspaper of general circulation in the locality of the surface coal mining operation. Such advertisement shall be considered part of any bond release application and shall contain a notification of the precise location of the land affected, the number of acres, the permit and the date approved, the amount of the bond filed and the portion sought to be released, and the type and appropriate dates of reclamation work performed, and a description of the results achieved as they relate to the operator's approved reclamation plan. In addition, as part of any bond release application, the applicant shall submit copies of letters which he has sent to adjoining property owners, local governmental bodies, planning agencies, and sewage and water treatment authorities, or water companies in the locality in which the surface coal mining and reclamation activities took place, notifying them of his intention to seek release from the bond.

(g) Upon receipt of the notification and request, the Regulatory Authority shall within thirty days conduct an inspection and evaluation of the reclamation work involved. Such evaluation shall consider, among other things, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of continuance of future occurrence of such pollution, and the estimated

cost of abating such pollution. The Regulatory Authority shall notify the permittee in writing of its decision to release or not to release all or part of the performance bond or deposit within sixty days from the filing of the request, or, if a public hearing has been held pursuant to subsection (k), within thirty days thereafter.

(h) The Regulatory Authority may release in whole or in part said bond or deposit if the authority is satisfied the reclamation covered by the bond or deposit or portion thereof has been accomplished as required by this Act according to the following schedule:

(1) When the operator completes the backfilling, regrading, and drainage control of a bonded area in accordance with his approved reclamation plan, 60 per centum of the bond or collateral for the applicable permit area may be released.

(2) When determining the amount of bond to be established on the regarded mined lands in accordance with the approved reclamation plan, the Regulatory Authority shall retain that amount of bond for the revegetated area which would be sufficient for a third party to cover the cost of reestablishing revegetation and for the period specified for operator responsibility in regulations adopted by the Regulatory Authority pursuant to Section 15 of this Act for reestablishing revegetation. No part of the bond or deposit shall be released under this paragraph so long as the lands to which the release would be applicable are contributing suspended solids to streamflow or runoff outside the permit area in excess of the requirements set by regulations adopted by the Regulatory Authority pursuant to this Act and Section 515 (b) (10) of P.L. 95-87, 30 U.S.C. § 1265 (b) (10), or until soil productivity for prime farm lands has returned to equivalent levels of yield as nonmined land of the same soil type in the surrounding area under equivalent management practices as determined from the soil survey performed under regulations adopted by the Regulatory Authority pursuant to this Act and Section 507 (b) (16) of P.L. 95-87, 30 U.S.C. § 1257 (b) (16) to Section 8(b) (15), or where release of the bond would leave an amount inadequate to reclaim any area under permit to the operator. Where a silt dam is to be retained as a permanent impoundment under regulations adopted by the Regulatory Authority pursuant to Section 15 of this Act and Section 515 (b) (8) of P.L. 95-87, 30 U.S.C. § 1265 (b) (8), the portion of bond may be released under this paragraph so long as provisions for such future maintenance by the operator or the landowner have been made with the Regulatory Authority.

(3) When the operator has completed successfully all surface coal mining and reclamation activities, the remaining portion of the bond may be released, but not before the expiration of the period specified for operator responsibility in regulations adopted by the Regulatory Authority pursuant to Section 15 of this Act and Section 515 of P.L. 95-87, 30 U.S.C. § 1265 provided, however, that no bond shall be fully released until all reclamation requirements of this Act are fully met.

(i) If the Regulatory Authority disapproves the application for release of the bond or portion thereof, the Regulatory Authority shall notify the permittee in writing, stating the reasons for disapproval and recommending corrective actions necessary to secure said release and allowing opportunity for a public hearing.

(j) When any application for total or partial bond release is filed with the Regulatory Authority, the Regulatory Authority shall notify the municipality in which a surface coal mining operation is located by certified mail at least thirty days prior to the release of all or a portion of the bond.

(k) Any interested person shall have the right to file written objections to the proposed release from bond with the Regulatory Authority within thirty days after the last publication of the above notice. If written objections are filed, and a hearing requested, the Regulatory Authority shall inform all the interested parties, of the time and place of the hearing, and hold a public hearing in the locality of the surface coal mining operation proposed for bond release within thirty days of the request for such hearing. The Regulatory Authority shall advertise the date, time, and location of such public hearings, in a newspaper of general circulation in the locality for two consecutive weeks, and shall hold a public hearing in the locality of the surface coal mining operation proposed for bond release or at the office of the Regulatory Authority, at the option of the objector, within thirty days of the request for such hearing.

(l) Without prejudice to the rights of the objectors, the applicant, or the responsibilities of the Regulatory Authority pursuant to this section, the Regulatory Authority may establish an informal conference as provided in Section 13(b) to resolve such written objections.

(m) For the purpose of such hearing the Regulatory Authority shall have the authority and is hereby empowered to administer oaths, subpoena witnesses, or written or printed materials, compel the attendance of witnesses, or production of the materials, and take evidence including but not limited to inspections of the land affected and other surface coal mining operations carried on by the applicant in the general vicinity. A verbatim record of each public hearing required by this Act shall be made, and a transcript made available on the request and at the cost to the requesting party.

SECTION 15. Environmental Protection Performance Standards.

Within ninety (90) days of the effective date of this Act, the Regulatory Authority shall promulgate regulations not inconsistent with the environmental performance standards of Section 515 of P.L. 95-87, 30 U.S.C. § 1265 and regulations promulgated pursuant thereto. All surface coal mining operations and coal exploration operations in Alabama shall comply with all applicable performance standards of Section 515 of P.L. 95-87 as well as any amendments thereto.

SECTION 16. Surface Effects of Underground Coal Mining Operations.

(a) The Regulatory Authority shall promulgate rules and regulations directed toward the surface effects of underground coal mining operations, and embodying the following requirements; provided, that in adopting any rules and regulations, the Regulatory Authority shall consider all distinct differences between surface coal mining and underground coal mining.

(b) Each permit issued pursuant to this Act and relating to underground coal mining shall require the operator to—

(1) adopt measures consistent with available technology in order to prevent subsidence to the extent technologically and economically feasible, maximum mine stability, and maintain the value and reasonably foreseeable use of such surface lands, except in those instances where the mining methods used require planned subsidence in a predictable and controlled manner; provided, that nothing in this subsection shall be construed to prohibit the standard method of room and pillar mining;

(2) seal all portals entryways, drifts, shafts, or other openings between the surface and underground mine working when no longer needed for the conduct of the mining operations;

(3) fill or seal exploratory holes no longer necessary for mining, maximizing to the extent technologically and economically feasible return of mine and processing waste, tailings, and any other waste incident to the mining operation, to the mine workings or excavations;

(4) with respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine workings or excavations, stabilize all waste piles created by the permittee from current operations through construction in compacted layers including the use of incombustible and impervious materials if necessary and assure that the leachate will not degrade waters below water quality standards established pursuant to applicable Federal and State law surface or ground waters and that the final contour of the waste accumulation will be compatible with natural surroundings and that the site is stabilized and revegetated according to the provisions of this section;

(5) design, locate, construct, operate, maintain, enlarge, modify, and remove, or abandon, in accordance with the standards and criteria developed pursuant to the Regulatory Authority's regulations, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes and used either temporarily or permanently as dams or embankments;

(6) establish on regraded areas and all other lands affected, a diverse and permanent vegetative cover capable of self-regeneration and plant succession and at least equal in extent of cover to the natural vegetation of the area;

(7) protect offsite areas from damages which may result from such mining operations;

(8) eliminate fire hazards and otherwise eliminate conditions which constitute a hazard to the environment or to health and safety of the public;

(9) minimize the disturbances of the prevailing hydrologic balance at the minesite and in associated offsite areas and to the quantity of water in surface ground water systems both during and after coal mining operations and during reclamation by—

(A) avoiding acid or other toxic mine drainage by such measures as, but not limited to—

(i) preventing or removing water from contact with toxic producing deposits;

(ii) treating drainage to reduce toxic content which is released to water courses;

(iii) casing, sealing, or otherwise managing boreholes, shafts, and wells to keep acid or other toxic drainage from entering ground and surface waters; and

(B) conducting surface coal mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside the permit area (but in no event shall such contributions be in excess of requirements set by applicable State or Federal law), and avoiding channel deepening or enlargements in operations requiring the discharge of water from mines;

(10) with respect to other surface impacts not specified in this subsection including the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities, operate in accordance with the standards established under Section 15 of this Act for such effects which result from surface coal mining operations; provided, that the Regulatory Authority shall make such modifications in the requirements imposed by this subparagraph as are necessary to accommodate the distinct difference between surface and underground coal mining;

(11) to the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable;

(12) locate openings for all new drift mines working acid-producing or iron-producing coal seams in such a manner as to prevent a gravity discharge of water from the mine.

(C) In order to protect the stability of the land, the Regulatory Authority shall suspend underground coal mining under urbanized areas, cities, towns, and communities and adjacent to industrial or commercial buildings, major impoundments, or permanent streams if it finds imminent danger to inhabitants of the urbanized areas, cities, towns and communities.

(D) The provisions of this Act relating to permits, bonds, inspections and enforcement, public review, and administrative and judicial review shall be applicable to surface operations and surface impacts incident to an underground coal mine with such modifications to the permit application requirements, permit approval or denial procedures, and bond requirements as are necessary to accommodate all distinct differences between surface and underground coal mining. The Regulatory Authority shall promulgate such modifications in accordance with the rulemaking procedures established Section 34 of this Act.

SECTION 17. Inspections.

(a) For the purpose of developing or assisting in the development, administration, and enforcement of this Act or in the administration and enforcement of any permit under this Act, or of determining whether any person is in violation of any requirement of this Act—

(1) the Regulatory Authority shall require any permittee to (A) establish and maintain appropriate records, (B) make monthly reports to the Regulatory Authority, (C) install, use, and maintain any necessary monitoring equipment or methods, (D) evaluate results in accordance with such methods, at such locations, intervals, and in such manner as the Regulatory Authority shall prescribe, and (E) provide such other information relative to surface coal mining and reclamation operations as the Regulatory Authority deems reasonable and necessary;

(2) for those surface coal mining and reclamation operations which remove or disturb strata that serve as aquifers, the Regulatory Authority shall specify those—

(A) monitoring sites to record the quantity and quality of surface drainage above and below the minesite as well as in the potential zone of influence;

(B) monitoring sites to record level, amount, and samples of ground water and aquifers potentially affected by the mining and also directly below the lowermost (deepest) coal seam to be mined;

(C) records of well logs and borehole data to be maintained; and

(D) monitoring sites to record precipitation. The monitoring data collection and analysis required by this section shall be conducted according to standards and procedures set forth by the Regulatory Authority in order to assure their reliability and validity; and

(3) the authorized representatives of the Regulatory Authority, without advance notice and upon presentation of appropriate credentials, (A) shall have the right to entry to, upon or through any surface coal mining and reclamation operations or any premises in which any records required to be maintained under paragraph (1) of this subsection are located; and (B) may at reasonable times, and without delay, have access to and copy any records, inspect any monitoring equipment or method of operation required under this Act.

(b) The inspections by the Regulatory Authority shall (1) occur on an irregular basis averaging not less than one partial inspection per month and one complete inspection per calendar quarter for the surface coal mining and reclamation operation covered by each permit; (2) occur without prior notice to the permittee or his agents or employees except for necessary onsite meetings with the permittee; and (3) include the filing of inspection reports adequate to enforce the requirements of and to carry out the terms and purposes of this Act.

(c) Each permittee shall conspicuously maintain at the entrances to the surface coal mining and reclamation operations a clearly visible sign which sets forth the name, business address, and phone number of the permittee and the permit number of the surface coal mining and reclamation operations.

(d) Each inspector, upon detection of each violation of any requirement of this Act, shall forthwith inform the operator in writing, and shall report in writing any such violation to the Regulatory Authority.

(e) Copies of any records, reports, inspection materials, or information obtained under this Act by the Regulatory Authority shall be made immediately available to the public at central and sufficient locations in the county, multicounty, and State area of mining so that they are conveniently available to residents in the areas of mining.

(f) (1) Any interested person may notify the Regulatory Authority or any representative of the Regulatory Authority responsible for conducting the inspection, in writing, of any violation of this Act which he has reason to believe exists at the surface mining site. The Regulatory Authority shall, by regulation, establish procedures for informal review of any refusal by a representative of the Regulatory Authority to issue a citation with respect to any such alleged violation. The Regulatory Authority shall furnish such persons requesting the review a written statement of the reasons for the Regulatory Authority's final disposition of the case. (2) The Regulatory Authority shall also, by regulation, establish procedures to insure that adequate and complete inspections are made. Any such person may notify the Regulatory Authority of any failure to make such inspections, after which the Regulatory Authority shall determine whether adequate and complete

inspections have been made. The Regulatory Authority shall furnish such persons a written statement of the reasons for the Regulatory Authority's determination that adequate and complete inspections have or have not been conducted.

SECTION 18. Enforcement.

(a) Whenever, on the basis of any information available to it, including receipt of information from any person, the Regulatory Authority has reason to believe that any person is in violation of any requirement of this Act or any permit condition required by this Act, the Regulatory Authority shall immediately order an inspecting of the surface coal mining operation at which the alleged violation is occurring unless the same information is available to the Regulatory Authority as a result of a previous inspection. When the inspection results from information provided to the Regulatory Authority by any person, the Regulatory Authority shall notify such person when the inspecting is proposed to be carried out and such person shall be allowed to accompany the inspector during the inspection.

(b) When on the basis of an inspection by an authorized representative of the Regulatory Authority, the Regulatory Authority or its authorized representative determines that any condition or practice exists or that any permittee is in violation of any requirement of this Act of any permit condition required by this Act, such violation, condition or practice also creates an imminent danger to the health or safety of the public, or is causing or can reasonably be expected to cause environmental harm to land, air or water resources, the Regulatory Authority or its authorized representative shall immediately order a cessation of surface coal mining and reclamation operations and issue a citation for a hearing pursuant to Section 22. Such cessation order shall remain in effect until the Regulatory Authority or its authorized representative determines that the condition, practice, or violation has been abated, or until modified, vacated or terminated by the Regulatory Authority or its authorized representative pursuant to subsection (e) of this section. Where the Regulatory Authority finds pursuant to Section 22 that the ordered cessation of surface coal mining and reclamation operations, or any portion thereof, will not completely abate the imminent danger to the health or safety of the public or the significant, imminent environmental harm to land, air, or water resources, the Regulatory Authority shall, in addition to the cessation order, impose affirmative obligations on the operator requiring him to take whatever steps the Regulatory Authority deems necessary to abate the imminent danger or the significant, imminent harm.

(c) When on the basis of an inspection by an authorized representative of the Regulatory Authority, the Regulatory Authority or its authorized representative determines that any permittee is in violation of any requirement of this Act, including any permit condition required by this Act, but such violation does not create an imminent danger to the health or safety of the public or cannot be reasonably expected to cause environmental harm to land, air or water resources, the Regulatory Authority or its authorized representative shall forthwith issue a notice to the permittee or his agent fixing a reasonable time but not more than ninety days for the abatement of the violation and providing opportunity for a public hearing. If, upon expiration of the period of time as originally fixed or subsequently extended, for good cause shown and upon the written findings of the Regulatory Authority or its authorized representative, the Regulatory Authority or its authorized representative finds that the violation has not been abated, a cessation order shall immediately be issued for the surface coal mining and reclamation operation. Such cessation order shall remain in effect until modified, vacated

or terminated by the Regulatory Authority or its authorized representative pursuant to subsection (e) of this Section or until the Regulatory Authority or its authorized representative determines that the violation has been abated. In the order of cession the Regulatory Authority shall determine the steps necessary to abate the violation in the most expeditious manner possible and shall include the necessary measures in the order.

(d) When, on the basis of an inspection, the Regulatory Authority or its authorized representative determines that a pattern of violations of any requirements of this Act or any permit conditions exists or has existed, and if the Regulatory Authority or its authorized representative also finds that such violations are caused by the unwarranted failure of the permittee to comply with any requirements of this Act or any permit conditions, or that such violations are willfully caused by the permittee, the Regulatory Authority or its authorized representative shall forthwith issue an order to show cause as to why the permit should not be suspended or revoked and shall provide opportunity for a public hearing. If a hearing is requested, the Regulatory Authority shall inform all interested persons of the time and place of the hearing. Upon the permittee's failure to show cause as to why the permit should not be suspended or revoked, the Regulatory Authority or its authorized representative shall forthwith suspend or revoke the permit.

(e) Notices and orders issued pursuant to this section shall set forth with reasonable specificity the nature of the violation and the remedial action required, the period of time established for abatement and a reasonable description of the portion of the surface coal mining and reclamation operation to which the notice or order applies. Each notice or order issued under this section shall be given promptly to the permittee or his agent by the Regulatory Authority or its authorized representative who issues such notice or order and all such notices and orders shall be in writing and shall be signed by the Regulatory Authority or such authorized representative. Any notice or order issued pursuant to this section may be modified, vacated or terminated by the Regulatory Authority or its authorized representative. Provided, that any notice or order issued pursuant to this section which requires cessation of mining by the operator shall expire within thirty (30) days of actual notice to the operator or his agent, unless a public hearing is held at the site or within such reasonable proximity to the site that any viewings of the site can be conducted during the course of the public hearing.

(f) The Regulatory Authority may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the circuit court of Montgomery County whenever such permittee or his agent (A) violates or fails or refuses to comply with any order or decision issued by the Regulatory Authority under this Act, or (B) interferes with, hinders or delays the Regulatory Authority or his authorized representatives in carrying out the provisions of this Act, or (C) refuses to admit such authorized representative to the mine, or (D) refuses to permit inspection of the mine by such authorized representative, or (E) refuses to furnish any information or report requested by the Regulatory Authority in furtherance of the provisions of this Act, (F) refuses to permit access to, and copying of, such records as the Regulatory Authority determines necessary in carrying out the provisions of this Act, or (G) violates any provision of this Act. Such court shall have the jurisdiction to provide such relief as may be appropriate. Temporary restraining orders shall be issued in accordance with Rule 65 of the Alabama Rules of Civil Procedure as amended. Any relief granted by the court to enforce an order under clause (A) of this section shall continue in effect until the completion or final termination of all proceedings for review of such order under this title, unless, prior thereto, the district court granting such relief sets it aside or modifies it.

(g) Nothing in this Act shall prevent the Attorney General from prosecuting violations thereof and nothing in this Act shall be construed so as to eliminate any additional enforcement rights or procedures available under state law but which are not specifically enumerated herein.

SECTION 19. Penalties

(a) Any permittee or operator who violates any permit condition or who violates any other provision of this Act, may be assessed a civil penalty by the Regulatory Authority, except that if such violation leads to the issuance of a cessation order under Section 18, the civil penalty shall be assessed. Such penalty shall not exceed ten thousand (\$10,000.00) for each violation. Each day of continuing violation may be deemed a separate violation for purposes of penalty assessments. In determining the amount of the penalty, consideration shall be given to the permittee's history of previous violations; the seriousness of the violation, including any harm to the environment and any hazard to the health or safety of the public; whether the permittee was negligent; and the demonstrated good faith of the permittee charged in attempting to achieve rapid compliance after notification of the violation.

(b) A civil penalty shall be assessed by the Regulatory Authority only after the person charged with a violation described under subsection (a) of this section has been given an opportunity for a public hearing. Where such a public hearing has been held, the Regulatory Authority shall make findings of fact, and shall issue a written decision as to the occurrence of the violation and the amount of the penalty which is warranted, incorporating, when appropriate, an order therein requiring that the penalty be paid. When appropriate, the Regulatory Authority shall consolidate such hearings with other proceedings under Section 18 of this Act. Any hearing under this section shall be of record and shall be conducted according to the procedures established by the Regulatory Authority pursuant to Section 20 of this Act. Where the person charged with such a violation fails to avail himself of the opportunity for a public hearing, a civil penalty shall be assessed by the Regulatory Authority after the Regulatory Authority has determined that a violation did occur has determined the amount of the penalty which is warranted, and has issued an order requiring that the penalty be paid.

(c) Upon the issuance of a notice or order charging that a violation of the Act has occurred, the Regulatory Authority shall inform the operator within thirty (30) days of the proposed amount of said penalty. The person charged with the penalty shall then have thirty (30) days to pay the proposed penalty in full or, if the person wished to contest either the amount of the penalty or the fact of the violation, forward the proposed amount to the Regulatory Authority for placement in an escrow account. If through administrative or judicial review of the proposed penalty, it is determined that no violation occurred, or that the amount of the penalty should be reduced, the Regulatory Authority shall within thirty (30) days remit the appropriate amount to the person, with interest at the rate of 6 percent, or at the prevailing Department of the Treasury rate, whichever is greater. Failure to forward the money to the Regulatory Authority within thirty (30) days shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.

(d) Civil penalties owed under this Act may be recovered in a civil action brought by the Attorney General in any appropriate circuit court of this state.

(e) Any person who willfully and knowingly violates a condition of a permit issued pursuant to this Act or fails or refuses to comply with any order issued under Section 18 or Section 22 of this Act, or any order incorporated in a final decision issued by the Regulatory Authority under this Act, shall, upon conviction be punished by a fine of not more than Twenty-five thousand dollars (\$25,000.00), or by imprisonment for not more than one year or both.

(f) Whenever a corporate permittee violates a condition of a permit issued pursuant to this Act or fails or refuses to comply with any order issued under Section 18 of this Act, or any order incorporated in a final decision issued by the Regulatory Authority under this Act, any director, officer, or agent of such corporation who willfully and knowingly authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the same civil penalties, fines, and imprisonment that may be imposed upon a person under subsections (a) and (e) of this section.

(g) Whoever knowingly makes any false statement, representation, or certification, or knowingly fails to make any statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Act or any order or decision issued by the Regulatory Authority under this Act, shall upon conviction, be punished by a fine of not more than Twenty-five thousand dollars (\$25,000.00) or by imprisonment for not more than one year or both.

(h) Any operator who fails to correct a violation for which a citation has been issued under Section 18 within the period permitted for its correction (which period shall not end until the entry of a final order or the conclusion of the appeals process), shall be assessed a civil penalty of not less than \$1,000.00 for each day during which such failure or violation continues.

(i) Any operator who forfeits his bond for willful failure to reclaim the affected land shall not be issued a new permit for any operation in which he owns any interest.

(j) Any person who shall, except as permitted by law, willfully resist, prevent, impede, or interfere with the Regulatory Authority or any of its agents in the performance of duties pursuant to this Act shall be punished by a fine of not more than Twenty-five thousand dollars (\$25,000.00) or by imprisonment for not more than one year, or both.

SECTION 20. Hearings and Appeals

(a) (1) A permittee issued a notice or order by the Regulatory Authority or any interested person may apply to the Regulatory Authority for review of the notice or order within thirty (30) days of receipt thereof or within thirty (30) days of its modification, vacation, or termination. Upon receipt of such application, the Regulatory Authority shall cause such investigation to be made as it deems appropriate. Such investigation shall provide an opportunity for a public hearing, at the request of the applicant or such other interested person to enable the applicant or such person to present information relating to the issuance and continuance of such notice or order or the modification, vacation, or termination thereof. The filing of an application for review under this subsection shall not operate as a stay of any order or notice. (2) The permittee and other interested persons shall be given written notice of the time and place of the hearing at least five (5) days prior thereto. The Regulatory Authority shall have the power and authority to prescribe its own procedure consistent with the requirements of Section 525 (a) (2) of P.L. 95-87, 30 U.S.C. § 1275 (a) (2). The hearing before the Regulatory Authority

or its designated hearing offices shall be of record. Evidence shall be received under oath and shall be recorded stenographically or electronically. The record need not be transcribed unless an appeal is taken to the circuit court or unless requested by any person upon the payment of costs of transcription.

(b) Upon receiving the report of such investigation, the Regulatory Authority shall make findings of fact, and shall issue a written decision, incorporation therein an order vacating, affirming, modifying, or terminating the notice of order, or the modification, vacation, or termination of such notice or order complained of and incorporate its findings therein. Where the application for review concerns an order for cessation of surface coal mining and reclamation operations issued pursuant to the provisions of Section 18, the Regulatory Authority shall issue the written decision within thirty (30) days of the receipt of the application for review, unless temporary relief has been granted by the Regulatory Authority pursuant to subsection (c) of this section.

(c) Pending completion of the investigation and hearing required by this section, the applicant may file with the Regulatory Authority a written request that it grant temporary relief from any notice or order issued under section 18 of this Act, together with a detailed statement giving reasons for granting such relief. The Regulatory Authority shall issue an order or decision granting or denying such relief expeditiously: Provided, that where the applicant requests relief from an order for cessation of coal mining and reclamation operations issued pursuant to Section 18 of this Act, the order or decision on such a request shall be issued within five (5) days of its receipt. The Regulatory Authority may grant such relief, under conditions as it may prescribe, if—

(1) a hearing has been held in the locality of the permit area on the request for temporary relief in which all parties were given an opportunity to be heard;

(2) the applicant shows that there is substantial likelihood that the findings of the Board of Appeals will be favorable to him; and

(3) such relief will not adversely affect the health or safety of the public or cause environmental harm to land, air or water resources.

(d) Following the issuance of an order to show cause according to Section 18 (d) of this Act as to why a permit should not be suspended or revoked, the Regulatory Authority shall hold a public hearing after giving written notice of the time, place, and date thereof. Any such hearing shall be of record pursuant to subsection (a) of this section. Within sixty (60) days following the public hearing, the Regulatory Authority shall issue and furnish to the permittee and all other parties to the hearing a written decision and the reasons therefor, concerning suspension or revocation of the permit. If the Regulatory Authority revokes the permit, the permittee shall immediately cease surface coal mining operations on the permit area and shall complete reclamation within a period specified by the Regulatory Authority or the Regulatory Authority shall declare as forfeited the performance bonds for the operation.

(e) Any interested person may seek judicial review of any action or failure to act by the Regulatory Authority by filing in circuit court a petition for mandamus or certiorari, whichever is appropriate, in accordance with the Alabama Rules of Civil Procedure. In any such petition the Regulatory Authority shall be named respondent. The filing of a petition under this subsection shall not, unless specifically ordered by the court pursuant to

Rule 65 of the Alabama Rules of Civil Procedure, operate as a stay of the order of the Regulatory Authority. The availability of review pursuant to this subsection shall not be construed to limit the operation of rights established in Section 25 of this Act.

(f) Within thirty (30) days after receipt of the copy of the petition for review, or within such additional time as the court may allow, the Regulatory Authority shall transmit to the reviewing court the original or a certified copy of the entire record of the proceedings under review. With the permission of the court, the record of the proceedings under review may be shortened by stipulation of all parties to the judicial proceedings. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for such additional costs as may be occasioned by the refusal. The court may require or permit subsequent corrections or additions to the record sua sponte or on the motion of any party.

(g) Nothing in this Act shall prevent the Regulatory Authority from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

(h) In reviewing orders or actions of the Regulatory Authority the court may reverse or modify such orders or actions or grant other appropriate relief if substantial rights of the petitioner have been prejudiced because the Regulatory Authority's action was:

- (1) in violation of constitutional or statutory provisions
- (2) in excess of the statutory authority of the Regulatory Authority
- (3) in violation of any rule of the Regulatory Authority
- (4) made upon unlawful procedure
- (5) unsupported by reliable, probative and substantial evidence on the whole record; or
- (6) unreasonable, arbitrary or capricious or characterized by an abuse of discretion.

SECTION 21. Citizen's Suits.

(a) Except as provided in subsection (5) of this section, any person having knowledge that any of the provisions of this Act are willfully or deliberately not being enforced may commence a civil action on his own behalf to compel compliance with this Act—

- (1) against any person who is alleged to be in violation of any rule, regulation, order or permit issued pursuant to this Act; or
- (2) against the Regulatory Authority where there is alleged a failure of the Regulatory Authority to perform any act or duty under this Act which is not discretionary with the Regulatory Authority.

In a civil action brought pursuant to this subsection, the cause shall be tried in the Circuit Court of Montgomery County, and the action shall be prosecuted in the name of the real party in interest.

(b) No action may be commenced—

- (1) under subsection (a) (1) of this section—

(A) prior to sixty days after the plaintiff has given notice in writing of the violation (i) to the Regulatory Authority, (ii) to the Secretary of the Interior, and (iii) to any alleged violator; or

(B) if the Secretary of the Interior, the Regulatory Authority, or the Attorney General has commenced and is diligently prosecuting a civil action to require compliance with the provisions of this Act, or any rule, regulation, order, or permit issued pursuant to this Act. In any such action any person may intervene as a matter of right; or

(2) under subsection (a) (2) of this section prior to sixty days after the plaintiff has given notice in writing of such action to the Regulatory Authority in such manner as the Regulatory Authority by regulation shall prescribe except that such action may be brought immediately after such notification in the case where the violation or order complained of constitutes a threat to the health or safety of the plaintiff or would immediately affect a legal interest of the plaintiff.

(c) In such action under this section, the Regulatory Authority or the Secretary of the Interior if not parties, may intervene as a matter of right.

(d) The court, in issuing any final order in any action brought pursuant to subsection (1) of this section, may award costs of litigation (including attorney and expert witness fees) to any party, whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought require the filing of a bond or equivalent security in accordance with the Alabama Rules of Civil Procedure.

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any of the provisions of this Act and the regulations thereunder, or to seek any other relief, including relief against the Regulatory Authority, as permitted by the Constitution and laws of this State.

(f) Any person who is injured in his person or property through the violation by any operator of any rule, regulation, order, or permit issued pursuant to this Act may bring an action for damages where such right exists (including reasonable attorney and expert witness fees) in the venue available under Alabama law. Nothing in this subsection shall affect the rights established by or limits imposed under State Workmen's Compensation laws.

SECTION 22. Rule Making Procedure.

In adopting, amending or repealing any rule, including any regulation or standard, the Regulatory Authority shall observe the following procedure:

(a) Regulatory Authority shall develop its proposed rules and shall prepare a notice which states that rules have been developed, solicits comments in writing, states that the proposed rules are available for inspection and states that a public hearing will be held at a date no sooner than thirty five (35) days from the initial publication of said notice. The notice shall be published in a newspaper of general circulation for the State of Alabama at least twice for two consecutive weeks. The notice and a copy of the proposed rules, shall be mailed to all licensees, and all persons who have requested written notification of the Regulatory Authority's rule-making activities.

(b) At the public hearing held on the date set forth in the notice published pursuant to subsection (b) of this Section, any interested person may appear and be heard concerning the proposed rules. A full and complete

transcript shall be kept of any such hearing, a copy of which may be had by any person upon payment of the cost of the transcript. The Regulatory Authority shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption, amendment or repeal of a rule the Regulatory Authority, if requested to do so by an interested person either prior to adoption or within thirty (30) days thereafter, shall issue a concise statement of the principal reasons for its actions.

(c) The Regulatory Authority shall publish, or on its discretion withdraw, its rules and shall file a certified copy thereof in the office of the Secretary of State. Unless a longer period is prescribed by the Regulatory Authority, all rules and amendments and repeals thereof shall take effect thirty (30) days after publication. The Regulatory Authority shall mail a copy of its rules immediately upon publication to all licensees, to all persons who have requested written notification of the Regulatory Authority's rule-making activities and, upon request, to any other person.

(d) The validity of applicability of a rule, regulation or standard may be reviewed in an action for a declaratory judgement, or its enforcement stayed by injunctive relief in the circuit court of Montgomery County, if the court finds that the rule, or its threatened application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff. The Regulatory Authority shall be made a party to the action. In passing on such rules the court shall declare the rule invalid only if it finds that it violates constitutional provisions, exceeds the statutory authority of the Regulatory Authority or was adopted without substantial compliance with rule-making procedures provided for in this section.

(e) Any person may request written notification of the Regulatory Authority's rule-making activities by sending such request to the Regulatory Authority.

SECTION 23. Designating Areas Unsuitable for Surface Coal Mining.

(a) (1) The Regulatory Authority shall establish a planning process enabling objective decisions based upon competent and scientifically sound data and information as to which, if any, land areas of the State are unsuitable for all or certain types of surface coal mining operations pursuant to the standards set forth in paragraphs (2) and (3) of this subsection. (2) Upon petition pursuant to subsection (c) of this section, the Regulatory Authority shall designate an area as unsuitable for all or certain types of surface coal mining operations if the Regulatory Authority determines that reclamation pursuant to the requirements of this Act is not technologically and economically feasible. (3) Upon petition pursuant to subsection (c) of this section, a surface area may be designated unsuitable for certain types of surface coal mining operations if such operations will—

(A) be incompatible with existing State or local land use plans or programs; or

(B) affect fragile or historic lands in which such operations could result in significant damage to important historic, cultural, scientific, and esthetic values and natural systems; or

(C) affect renewable resource lands in which such operations could result in a substantial loss or reduction of long-range productivity of water supply or of food or fiber products, and such lands to include aquifers and aquifer recharge areas; or

(D) affect natural hazard lands in which such operations could substantially endanger life and property, such lands to include areas subject to frequent flooding and areas of unstable geology.

(4) To comply with this section, the Regulatory Authority, which is the State agency responsible for surface mining lands review, must develop a process which includes—

(A) a data base and an inventory system which will permit proper evaluation of the capacity of different land areas of the State to support and permit reclamation of surface coal mining operations;

(B) a method or methods for implementing land use planning decisions concerning surface coal mining operations;

(C) and proper notice, opportunities for public participation, including a public hearing prior to making any designation or redesignation, pursuant to this section.

(5) Determinations of the unsuitability of land for surface coal mining, as provided for in this section, shall be integrated as closely as possible with present and future land use planning and regulation processes at the Federal, State, and local levels.

(6) The requirements of this section shall not apply to lands on which surface coal mining operations are being conducted on the date of enactment of this Act, or where substantial legal and financial commitments in such operation were in existence prior to January 4, 1977.

(b) Any interested person shall have the right to petition the Regulatory Authority to have an area designated as unsuitable for surface coal mining operations or to have such a designation terminated. Such a petition shall contain allegations of facts with supporting evidence. Within ten months after receipt of the petition the Regulatory Authority shall hold a public hearing in the locality of the affected area, after appropriate notice and publication of the date, time, and location of such hearing. After a person has filed a petition and before the hearing, as required by this subsection, any person may intervene by filing allegations of facts with supporting evidence. Within sixty (60) days after such hearing, the Regulatory Authority shall issue and furnish to the petitioner and any other interested persons, a written decision regarding the petition, and the reasons therefore.

(c) Prior to designating any land areas as unsuitable for surface coal mining operations, the Regulatory Authority shall prepare a detailed statement on (i) the potential coal resources of the area, (ii) the demand for coal resources, and (iii) the impact of such designation on the environment, the economy, and the supply of coal.

(d) After the enactment of this Act no surface coal mining operations shall be permitted—

(1) on any lands within the boundaries of units of the National Park System, the National Wildlife Refuge Systems, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, including study rivers designated under Section 5 (a) of the Wild and Scenic Rivers Act, National Recreation Areas designated by Act of Congress; and any state park;

(2) on any Federal lands within the boundaries of any national forest; provided, however, that surface coal mining operations incident to underground coal mining operations may be permitted on such lands if the Secretary of Interior finds that there are no significant recreational, timber, economic, or other values which may be incompatible with such surface mining operations and surface operations and impacts are incident to an underground coal mine;

(3) which will adversely affect any publicly owned park or places included in the National Register of Historic Sites unless approved jointly by the Regulatory Authority and the Federal, State, or local agency with jurisdiction over the park of the historic site;

(4) within three hundred feet of the outside right-of-way line of any public road, except where mine access roads or haulage roads join such right-of-way line and except that the Regulatory Authority may permit such roads to be relocated or the area affected to lie within one hundred feet of such road, if after public notice and opportunity for public hearing in the locality a written finding is made that the interests of the public and the landowners affected thereby will be protected; or

(5) within five hundred feet from any occupied dwelling, unless waived by the owner thereof, nor within five hundred feet of any public building, school, church, community, or institutional building, public park, or within five hundred feet of a cemetery;

(6) within one thousand feet horizontally of the mean high water level of Lewis Smith Lake (which mean high water level shall be a topographic contour line corresponding to the spillway elevation of Lewis Smith Lake Dam); one thousand feet horizontally of the rim of Little River Canyon; one thousand feet horizontally on either side of the Little River and the East, Middle and West Forks of the Little River; and one hundred feet horizontally on either side of any tributary flowing into the Little River on the East, Middle or West Forks of the Little River.

SECTION 24. Water Rights and Replacement.

(a) Nothing in this Act shall be construed as affecting in any way the right of any person to enforce or protect, under applicable law, his interest in water resources affected by a surface coal mining operation.

(b) The operator of a surface coal mine shall replace the water supply of an owner of interest in real property who obtains all or part of his supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source where such supply has been affected by contamination, diminution, or interruption proximately resulting from such surface coal mine operation.

SECTION 25. Experimental Practices.

In order to encourage advances in mining and reclamation practices or to allow post-mining land use for industrial, commercial, residential, or public use (including recreational facilities), the Regulatory Authority with approval by the Secretary of Interior may authorize departures in individual cases on an experimental basis from the environmental protection performance standards promulgated under Sections 15 and 16 of this Act. Such departures may be authorized if (i) the experimental practices are potentially

more environmentally protective, during and after mining operations, as those required by promulgated standards; (ii) the mining operations approved for particular land-use or other purposes are not larger or more numerous than necessary to determine the effectiveness and economic feasibility of the experimental practices; and (iii) the experimental practices do not reduce the protection afforded public health and safety below those provided by promulgated standards.

SECTION 26. Surface Mining Operations Not Subject to This Act.

The provisions of this Act shall not apply to any of the following activities:

(a) The extraction of coal by a landowner for his own noncommercial use from land owned or leased by him;

(b) For surface mining operations affecting two acres or less, the Regulatory Authority may waive certain requirements of this Act where those requirements will not affect the reclamation of the affected lands.

(c) The extraction of coal as an incidental part of Federal, State or local government-financed highway or other construction under regulations established by the Regulatory Authority.

SECTION 27. Availability of Records.

Any record, report or information obtained by the Regulatory Authority pursuant to this act shall be available to the public, except as provided elsewhere in this Act and except that upon a verified representation to the Regulatory Authority by an applicant, licensee or permittee that a record, report or information, or particular part thereof, to which the Regulatory Authority has access under this Act, if made public, would divulge production or financial data or methods, processes or production unique to the person or would otherwise tend to affect adversely the competitive position of the person, the Regulatory Authority may treat the record, report or information or particular portion thereof as confidential in the administration of this Act.

SECTION 28. Leases of Certain Lands.

The Regulatory Authority is hereby vested with the authority and responsibility of consulting with all institutions of this state which own lands or mineral interests relating to coal. The Regulatory Authority is hereby designated as the agency of the State of Alabama for reviewing and approving surface coal mining which such institution proposes to enter into. Upon submission of any such proposed lease, the Regulatory Authority shall, within forty-five (45) days, by order approve or disapprove such proposed lease.

SECTION 29. Reports of Certain Coal Sales.

Any person engaged in the business of coal brokering or operating a coal sales agency in the State of Alabama and each and every person, corporation or other legal entity operating an electric system for the sale of electric energy for resale, sale to the public or sale to its members and each and every industrial purchaser of coal in the State of Alabama shall report, on a form to be furnished by the Regulatory Authority, at intervals of not less than sixty (60) days, the name, address, license number and permit of the vendor of all coal purchased by it and the name and address of the vendee of all coal sold by it, since its last reporting period. In the event that any person named in the preceding sentence purchases coal mined outside of the State of Alabama,

such facts shall be so noted on the form described above. Failure of the persons described in this section to render such reports shall constitute a misdemeanor punishable by fine of not more than five thousand (\$5,000.00); provided, that prior to instituting any such action, the Regulatory Authority, in the case of a first offense only, shall notify such person by certified or registered mail of the failure to comply with this provision of this Act and shall afford such person not more than ten (10) days to furnish such report. Officers, employees and agents of the Regulatory Authority shall be permitted to inspect the records and books of the persons specified above to determine the accuracy of such reports, such inspection to take place at reasonable times. In no event shall the Regulatory Authority require disclosure of the amounts of any purchase or the purchase price paid for such coal or of any information other than that set forth above, except by specific subpoena in preparation for hearing or other enforcement action.

SECTION 30. Conflict of Interest.

The members of the Commission and all employees thereof shall strictly comply with all conflict of interest standards provided by Public Law 95-87, 30 U.S.C. 1200 et seq. and regulations promulgated thereunder. Whoever violates the provisions of this section shall, upon conviction, be punished by a fine of not more than Five Thousand Dollars (\$5000), or by imprisonment for not more than one year, or both, and shall be dismissed from any position with the Regulatory Authority.

SECTION 31. Alabama Surface Mining Reclamation Fund.

(a) All sums received through the payment of fees, the forfeiture of bonds, the recovery of civil penalties or appropriations by the legislature shall be placed in the State Treasury and credited to an open account designated as the Alabama Surface Mining Reclamation Fund.

This fund, which was established by Act No. 551, 1975 Regular Session, shall be available to the Regulatory Authority for expenditure in the administration and enforcement of this Act, and training, reclamation and research programs; provided, that the proceeds from the forfeiture of any bond shall be used to the extent required by law in completing reclamation revegetation and abatement of water pollution in the area with respect to which the bond applies. Any unencumbered and any unexpended balance of this fund remaining at the end of any fiscal year shall not lapse, but shall be carried forward for the purposes of this Act until expended.

(b) There is authorized to be appropriated in the Alabama Surface Mining Reclamation Fund initially the current balance of that fund at the effective date of this Act and such other sums as may thereafter be appropriated by the legislature.

SECTION 32. Funding.

The Regulatory Authority shall make every effort to obtain maximum reimbursement from the Director of the Office of Surface Mining Reclamation and Enforcement for the costs of performing its duties under this Act.

SECTION 33. Abandoned Mine Reclamation

(a) The Regulatory Authority is authorized to develop and submit to the Secretary of Interior a State Reclamation Plan and annual projects to implement the purposes and administer the funds of the abandoned mined lands program.

(b) Lands and water eligible for reclamation or drainage abatement expenditures under this program are those which were mined for coal or which were affected by such mining, wastebanks, coal processing, or other coal mining processes, and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under other State or Federal laws.

(c) Where the Governor of the State of Alabama certifies that (1) objectives of the fund set forth in Section 29 have been achieved, (2) there is a need for construction of specific public facilities in communities impacted by coal development, (3) impact funds which may be available under provisions of the Federal Mineral Leasing Act of 1920, as amended, or Public Law 94-565 (90 Stat. 2662), are inadequate for such construction, and (4) the Secretary of Interior concurs in such certification, then the Secretary may continue to allocate all or part of the 50 per centum share of the Federal Abandoned Mine Reclamation Fund to the Regulatory Authority for such construction: provided, however, that if funds under this subsection have not been expended within three years after their allocation, they shall be available for expenditure in any eligible area as determined by the Secretary of Interior.

SECTION 34. Objectives of the Abandoned Lands Fund.

Expenditure of moneys from the fund on lands and water eligible pursuant to Section 29 for the purposes of this title shall reflect the following priorities in the order stated:

(a) the protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices;

(b) the protection of public health, safety, and general welfare from adverse effects of coal mining practices;

(c) the restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices including measures for the conservation and development of soil, water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity.

(d) research and demonstration projects relating to the development of surface mining reclamation and water quality control program methods and techniques;

(e) the protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation, and conservation facilities adversely affected by coal mining practices;

(f) the development of publicly owned land adversely affected by coal mining practices including land acquired as provided in this title for recreation and historic purposes, conservation, and reclamation purposes and open space benefits.

(g) the elimination of voids, and open and abandoned tunnels, shafts, and entryways resulting from any previous mining operation pursuant to funds obtained under Section 29(c).

SECTION 35. State Reclamation Program.

(a) The State Reclamation Plan shall generally identify the areas to be reclaimed, the purposes for which the reclamation is proposed, the relationship of the lands to be reclaimed and the proposed reclamation to surrounding

areas, the specific criteria for identifying and ranking projects to be funded, and the legal authority and programmatic capability to perform such work in conformance with the provisions of this Act.

(b) On an annual basis, the Regulatory Authority may submit to the Secretary of Interior an application for the support of the State program and implementation of specific reclamation projects. Such annual application shall include such information as may be requested by the Secretary including:

- (1) a general description of each proposed project;
- (2) a priority evaluation of each proposed project;
- (3) a statement of the estimated benefits in such terms as: number of acres restored, miles of stream improved, acres of surface lands protected from subsidence, population protected from subsidence, air pollution, hazards of mine and coal refuse disposal area fires;
- (4) an estimate of the cost for each proposed project;
- (5) in the case of proposed research and demonstration projects, a description of the specific techniques to be evaluated or objective to be attained;
- (6) an identification of lands or interest therein to be acquired and the estimated cost; and
- (7) in each year after the first in which a plan is filed under this title, an inventory of each project funded under the previous year's grant: which inventory shall include details of financial expenditures on such project together with a brief description of each such project, including project locations, landowner's name, acreage, type of reclamation performed.

(c) The costs for each proposed project under this section shall include: actual construction costs, actual operation and maintenance costs of permanent facilities, planning and engineering costs, construction inspection costs, and other necessary administrative expenses.

(d) The Regulatory Authority shall not be required at the start of any project to submit complete copies of plans and specifications, but shall submit annual and such other reports as may be necessary.

SECTION 36. Acquisition and Reclamation of Land Adversely Affected by Past Coal Mining Practices.

(a) If the Regulatory Authority pursuant to an approved State program, makes a finding of fact that—

- (1) land or water resources have been adversely affected by past coal mining practices; and
- (2) the adverse effects are at a stage where, in the public interest, action to restore, reclaim, abate, control, or prevent should be taken; and
- (3) the owners of the land or water resources where entry must be made to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices are not known, or readily available; or
- (4) the owners will not give permission for the State of Alabama political subdivisions, their agents, employees, or contractors to enter upon such property to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices.

Then, upon giving notice by mail to the owners if known or if not known by posting notice upon the premises and advertising once in a newspaper of general circulation in the municipality in which the land lies, the Regulatory Authority, its agents, employees, or contractors pursuant to an approved State program, shall have the right to enter upon the property adversely affected by past coal mining practices and any other property to have access to such property to do all things necessary or expedient to restore, reclaim, abate, control, or prevent the adverse effects. Such entry shall be construed as an exercise of the police power for the protection of public health, safety, and general welfare and shall not be construed as an act of condemnation of property nor of trespass thereon. The monies expended for such work and the benefits accruing to any such premises so entered upon shall be chargeable against such land and shall mitigate or offset any claim in or any action brought by any owner of any interest in such premises for any alleged damages by virtue of such entry; provided, however, that this provision is not intended to create new rights of action or eliminate existing immunities.

(b) The Regulatory Authority, its agents, employees, or contractors pursuant to an approved State program, shall have the right to enter upon any property for the purpose of conducting studies or exploratory work to determine the existence of adverse affects of past coal mining practices and to determine the feasibility of restoration, reclamation, abatement, control, or prevention of such adverse effects. Such entry shall be construed as an exercise of the police power for the protection of public health, safety, and general welfare and shall not be construed as an act of condemnation of property nor trespass thereon.

(c) The Regulatory Authority pursuant to an approved State program, may acquire any land, by purchase, donation, or condemnation, which is adversely affected by past coal mining practices if it determines that acquisition of such land is necessary to successful reclamation and that—

(1) the acquired land, after restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices, will serve recreation and historic purposes, conservation and reclamation purposes or provide open space benefits; and

(2) permanent facilities such as a treatment plant or a relocated stream channel will be constructed on the land for the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices; or

(3) acquisition of coal refuse disposal sites and all coal refuse thereon will serve the purposes of this Act or that public ownership is desirable to meet emergency situations and prevent recurrences of the adverse effects of past coal mining practices.

(d) Title to all lands acquired pursuant to this section shall be in the name of the State of Alabama. The price paid for land acquired under this section shall reflect the market value of the land as adversely affected by past coal mining practices.

(e) The Regulatory Authority is authorized to receive grants from the Secretary of Interior on a matching basis in such amounts as the Secretary deems appropriate for the purpose of carrying out the provisions of this program, but in no event shall any grant exceed 90 per centum of the cost of acquisition of the lands for which the grant is made.

(f) (1) Where land acquired pursuant to this section is deemed to be suitable for industrial, commercial, residential, or recreational development, the State may sell such land by public sale under a system of competitive bidding, at not less than fair market value and under such other regulations promulgated to insure that such lands are put to proper use, provided that the previous landowner shall have the first opportunity to purchase the land at its fair market value or the low bid, whichever is higher.

(2) The Regulatory Authority pursuant to an approved State program, when requested after appropriate public notice, shall hold a public hearing, with the appropriate notice, in the county or counties or the appropriate subdivisions of the State in which lands acquired pursuant to this section are located. The hearings shall be held at a time which shall afford local citizens and governments the maximum opportunity to participate in the decision concerning the use or disposition of the lands after restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices.

SECTION 37. Liens.

(a) Within six months after the completion of projects to restore, reclaim, abate, control, or prevent adverse effects of past coal mining practices on privately owned land, the State, pursuant to an approved State program, shall itemize the moneys so expended and may file a statement thereof in the office of the county in which the land lies which has the responsibility under local law for the recording of judgements against land, together with a notarized appraisal by an independent appraiser of the value of the land before the restoration, reclamation, abatement, control, or prevention of adverse effects of past coal mining practices if the moneys so expended shall result in a significant increase in property value. Such statement shall constitute a lien upon the said land. The lien shall not exceed the amount determined by the appraisal to be the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices. No lien shall be filed against the property of any person, in accordance with this subsection, who owned the surface prior to May 2, 1977, and who neither consented to nor participated in nor exercised control over the mining operation which necessitated the reclamation performed hereunder.

(b) The landowner may proceed as provided by local law to petition within sixty days of the filing of the lien, to determine the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices. The amount reported to be the increase in value of the premises shall constitute the amount of the lien and shall be recorded with the statement herein provided. Any party aggrieved by the decision may appeal as provided by local law.

(c) The lien provided in this section shall be entered in the county office in which the land lies and which has responsibility under local law for the recording of judgements against land. Such statement shall constitute a lien upon the said land as of the date of the expenditure of the moneys and shall have priority as a lien second only to the lien of real estate taxes imposed upon said land.

SECTION 38. Miscellaneous Powers for Abandoned Lands Program.

(a) The Regulatory Authority pursuant to an approved State program, shall have the power and authority, if not granted it otherwise, to engage in

any work and to do all things necessary or expedient, including promulgation of rules and regulations, to implement and administer the provisions of this program.

(b) The Regulatory Authority pursuant to an approved State program, shall have the power and authority to engage in cooperative projects under this title with any agency of the United States of America, any other State and their governmental agencies.

(c) The Regulatory Authority pursuant to an approved State program, may request the Attorney General, who is hereby authorized to initiate, in addition to any other remedies provided for in this Act, in any court of competent jurisdiction, an action in equity for an injunction to restrain any interference with the exercise of the right to enter or to conduct any work provided in this program.

(d) The Regulatory Authority pursuant to an approved State program, shall have the power and authority to construct and operate a plant or plants for the control and treatment of water pollution resulting from mine drainage. The extent of this control and treatment may be dependent upon the ultimate use of the water; provided, that the above provisions of this paragraph shall not be deemed in any way to repeal or supersede any portion of the Federal Water Pollution Control Act (33 U.S.C.A. 1151, et seq. as amended) and no control or treatment under this subsection shall in any way be less than that required under the Federal Water Pollution Control Act. The construction of a plant or plants may include major interceptors and other facilities appurtenant to the plant.

(e) The Regulatory Authority may transfer funds to other appropriate State agencies, in order to carry out the reclamation activities authorized by this program.

SECTION 39. Repealer.

(a) No part hereof shall be construed to repeal, or supersede an existing law specifically enacted for the control, abatement or prevention of pollution. The Alabama Surface Mining Act of 1969 (Regular Session 1969) is not repealed as to the regulation of the surface mining of clay, sand, gravel, ores, limestone, marbel, dolomite, and other minerals. All laws enacted by the legislature or parts of such laws which are inconsistent with this Act are hereby repealed.

(b) Any local act of the legislature in effect upon the date of enactment of this Act, or which may become effective thereafter, which provides for more stringent land use or environmental controls or regulations of surface coal mining and reclamation operation than do the provisions of this Act and P.L. 95-87 or any regulation issued pursuant thereto shall not be construed to be inconsistent with this Act.

SECTION 40. Severability.

The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 41. Effective Date.

This act shall become effective immediately upon:

(a) its passage and approval by the Governor, or upon its otherwise becoming a law; and

(b) upon the approval of the State Program by the Office of Surface Mining pursuant to Section 503 of P.L. 95-87, 30 U.S.C. § 1253 (1977).

SUBSTITUTE TABLED

On motion of Rep. Manley, the substitute offered by Rep. Cheatwood to the bill, H. 630 as amended, was tabled.

Yeas 40; Nays 19.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Cabaniss, Campbell, Carothers, Carter, Clark (G), Cosby, Drinkard, Edwards, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Johnson (R. G.), Kelley, Laird, Letson, Manley, Minus, Owens, Patton, Pegues, Ray, Roberts, Sasser, Shoemaker, Smith (J), Starkey, Turnham, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

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Nays:

Reps.: Albright, Blake, Boles, Cheatwood, Cobb, Crow, Harper (O), Johnson (Roy), Kennedy, Langford, Mitchell, Naramore, Nevett, Olive, Rains, Smith (C), Trammell, Turner and Wyatt.

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SUBSTITUTE OFFERED

Rep. Cheatwood offered the following substitute No. 2 to the bill, H. 630 as amended:

A BILL TO BE ENTITLED AN ACT

To conform the State's regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. 1200 et seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and to make the State eligible for federal funding to develop and implement programs to achieve these purposes; and

To repeal sections 9-16-30, 9-16-31, 9-16-32, 9-16-35 and 9-16-36 of the Code of Alabama of 1975, and all laws or parts of laws which conflict with this Act.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Short Title. This Act shall be known and may be cited as "The Alabama Surface Mining Act of 1980."

SECTION 2. Declaration of Public Policy and Legislative Intent. ALL AREAS SURFACE MINED UNDER THIS ACT SHALL BE RECLAIMED.

(a) The objective of this Act is to provide for the safe, responsible and reasonable reclamation of lands upon which surface disturbances will be created by surface mining so as to protect the taxable value of property and preserve natural resources within the State and protect and promote the

health and safety of the people of this State, consistent with the protection of property and with maximum employment and the economic and industrial well-being of the State. The Legislature finds and declares that the extraction of coal by surface mining provides a major present and future source of energy and, when properly conducted, is an important activity which contributes to the economic and material well-being of the State.

(b) The Legislature finds that the unregulated or irresponsible surface mining coal may cause soil erosion, damage from rolling stones, land slides, and stream pollution, increases the likelihood of floods, reduces the value of land for agricultural purposes, can be detrimental to the conservation of soil, and may create hazards to life and property. It is the intent of the Legislature to assure that surface mining operations are not conducted where reclamation as required by this Act is not feasible. It is the intent of this Act to implement and enforce Public Law 95-87 30 U.S.C. 1200 et. seq., and the permanent regulations, as required for the State to retain exclusive jurisdiction over the regulation of surface coal mining and reclamation operations, provided, that if any provision of Public Law 95-87 or regulations promulgated thereunder which becomes invalidated or suspended by judicial or legislative act, the Commission shall suspend enforcement of this State's corresponding provision to the extent of any such judicial or legislative act.

(c) The Legislature further finds that lands subjected to coal surface mining and not reclaimed or rehabilitated constitutes the aforementioned perils to the welfare of the State. It is the purpose of this Act to promote the full reclamation of areas mined prior to the enactment of this Act.

(d) The Legislature further finds that surface mining reclamation technology is now developed so that effective and reasonable regulation of coal surface mining by the State in accordance with the requirements of this Act is an appropriate and necessary means to reduce adverse, economic and environmental effects of coal surface mining.

(e) The Legislature finds that a major impediment to effective enforcement of laws regulating coal surface mining is identifying and locating those acting in violation of the law; therefore, in order to protect the health, safety and well-being of the citizens of the State of Alabama, the Legislature intends by this Act to require that certain major purchasers and users of and dealers in coal within the State of Alabama be required to furnish the Commission created by this Act with certain information which will assist the Commission in the performance of its duties hereunder.

(f) In order to safeguard life, health and property of the citizens of the State, the Legislature intends, by this Act, to establish certain qualifications for the obtaining of licenses to engage in the business of coal surface mining in the State of Alabama.

(g) The Legislature further finds that there are wide variations in the circumstances and conditions resulting from surface mining due to a diversity in terrain, climate, biologic, hydrologic, geologic, vegetative, chemical and other physical conditions in areas where mining operations occur. By reason of this diversity, it is necessary, in order to achieve the most effective, beneficial, economical, and equitable results, that the provisions of this Act shall have a statewide application and shall supersede and render void any local, municipal or county regulation or control of coal surface mining except that nothing in this Act shall be construed to prohibit municipalities from enacting ordinances which control blasting operations within their municipal limits or police jurisdictions incidental to surface coal mining operations.

(h) The Legislature further finds that an authority should be created to administer and enforce the provisions of this Act.

(i) It is the purpose of this Act to provide such regulation and control of coal surface mining as will reduce injurious effects to the environment and resources of the State and will promote the following objectives:

(1) Establish a statewide program to reduce adverse effects to the environment resulting from coal surface mining; and

(2) Provide that adequate measures are undertaken to reclaim surface mined areas promptly according to the provisions of this Act; and

(3) Exercise the full reach of State constitutional powers to provide protection of the public interest through effective control of coal surface mining; and

(4) Encourage the economic development of the coal resources of the State as a source of energy and other uses.

SECTION 3. Definitions. The following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:

(a) "Applicant" means any person or legal entity who or which applied for a license or a permit to engage in coal surface mining.

(b) "Approximate Original Contour" means that surface configuration achieved by filling and grading of the mined area so that the reclaimed area, including any terracing or access roads, closely resembles the general surface configuration of the land prior to mining and blend into and complements the drainage pattern of the surrounding terrain, with all high walls and spoil piles eliminated; water impoundments may be permitted where the Commission determines that they are in compliance with this Act.

(c) "Coal Broker" and "Coal Sales Agency" means those persons whose principal business is the buying and reselling coal, or the negotiation or soliciting of coal sales between operators and purchasers; where principal business means that at least 25 percent of such person's coal related income is derived from such activities.

(d) "Completed Application" means the forms required by this Act completely filled out and filed in the Director's office, with all questions answered and all required and supporting documents, drawings, maps, schedules, surveys, fees and all other pertinent data required by the rules and regulations of the Commission and this Act.

(e) "Imminent Danger to the Health and Safety of the Public" means the existence of any condition or practice, or any violation of a permit or other requirement of this Act in a surface coal mining and reclamation operation, which condition, practice, or violation could reasonably be expected to cause substantial physical harm to persons outside the permit area before such condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same conditions or practices giving rise to the peril, would not expose himself or herself to the danger during the time necessary for abatement.

(f) "License" means a license to engage in coal surface mining and reclamation operations covered by this Act.

(g) "Operator" means any person conducting surface coal mining and reclamation operations.

(h) "Order" means the grant or denial of any license or permit; the setting, return or refusal to return any bond; or any other official act of the Commission, its Director or authorized agent thereof.

(i) "Outer Slope" means the exposed side of the spoil that slopes away from the pit created by the initial mining cut.

(j) "Permit" means a permit to engage in surface coal mining and reclamation operations issued by the Commission pursuant to this Act. A permit shall constitute an order of the Commission and any violation of its conditions shall be subject to immediate enforcement proceedings.

(k) "Permit Area" means the area of land indicated on the approved map submitted by the operator with his application which area of land shall be covered by the operator's bond as required by Section 14 of this Act and shall be readily identifiable by appropriate markers on the site.

(l) "Person" means an individual, partnership, association, society, joint stock company, firm, company, corporation, or other business organization and any successor or agency of the foregoing.

(m) "Prime Farmland" shall have the same meaning as prescribed by the United States Secretary of Agriculture on the basis of such factors as moisture availability, temperature regime, chemical balance, permeability, surface layer composition, susceptibility to flooding and erosion characteristics, and which historically have been used for intensive agricultural purposes.

(n) "Reclamation" means the process of converting mined land to its former or other allowable use as required by this Act.

(o) "Regulatory Authority" or "State Regulatory Authority" means the Alabama Surface Mining Reclamation Commission.

(p) "Revegetation" means plants or growth which replace, where required, original ground cover following ground disturbance.

(q) "Spoil Pile" means a deposit as piled or deposited in mining of overburden or reject materials and minerals which previously was overlying or in between coal deposits.

(r) "State Program" means the Commission acting under a program approved pursuant to Section 503 of Public Law 95-87, 30 U.S.C. 1200.

(s) "Surface Coal Mining and Reclamation Operations" means coal surface mining operations and all activities necessary and incident to the reclamation of such operations.

(t) "Surface Coal Mining Operations" means—

(a) activities conducted on the surface of lands in connection with the surface coal mines extracting coal from the earth by removing the strata or material which overlies or is above or between coal seams or otherwise exposing and retrieving it from the surface and surface impacts incident to an underground coal mine. Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, mountain-top removal, box cut, open pit, and area mining, the use of explosives and blasting, and in situ distillation or retorting, leaching or other chemical or physical processing, and the cleaning, concentrating, or other processing or preparation, loading of coal at or near the mine site; and

(b) the areas upon which such activities occur or where such activities disturb the natural land surface. Such areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface resulting from or incident to such activities.

(u) "Unwarranted Failure to Comply" means the failure of a permittee to prevent the occurrence of any violation of his permit or any requirement of this Act due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit or the Act due to indifference, lack of diligence, or lack of reasonable care.

SECTION 4. Licenses.

(a) All surface coal mining operations shall be subject to the provisions of this Act, except as excluded in Section 26.

(b) No person shall engage in or carry out on lands within the State any surface coal mining operations unless such person has first obtained a license in accordance with the provisions of this Section. The term of a license shall be continuous and shall authorize the licensee subject to the other provisions of this Act to engage in surface coal mining operations unless the license shall be suspended or revoked in accordance with the provisions of this Act. Suspension, revocation or subcontracting shall in no way relieve the licensee of his obligation to comply with the reclamation requirement of this Act.

(c) An applicant for a license shall file an application in a format prescribed by and satisfactory to the Regulatory Authority and shall contain, among other things, the following information:

(1) The name of the applicant and whether the applicant is individual, partnership, corporation or other legal entity;

(2) The legal address of the applicant for service of legal process or notice.

(3) If known, the names and addresses of the agents, subsidiaries or independent contractors who may be engaged in coal surface mining on behalf of the applicant on land to be affected. Any agent, subsidiary or independent contractor engaged by applicant subsequent to issuance of a permit shall be identified to the Regulatory Authority within thirty (30) days of its engagement. The utilization of an agent, subsidiary or subcontractor shall not relieve the licensee of its responsibility hereunder;

(4) If the applicant is a partnership, corporation, association, or other business entity, the following where applicable: the names and addresses of every officer, partner, director, or person performing a function similar to a director, of the applicant, together with the name and address of any person owning, of record 10 percentum or more of any class of voting stock of the applicant and a list of all names under which the applicant, partner, or principal shareholder previously operated a surface mining operation within the United States within the five-year period preceding the date of submission of the application;

(5) All names under which the applicant partner or principal shareholder operated or is engaging in coal surface mining within the State of Alabama, or any other state;

(6) A statement of whether the applicant, any subsidiary, affiliate, or persons controlling, controlled by or under common control with the applicant, or any partner of the applicant, if the applicant is a partnership, or any principal officer or director, if applicant is a corporation, has ever held, in any state a Federal or State mining permit which in the five year period prior to the date of submission of the application has been suspended or revoked or has had a mining bond or similar security deposited in lieu of bond forfeited and, if so, a brief explanation of the facts involved;

(d) The applicant shall, as a condition to obtaining a license, satisfy the Regulatory Authority, pursuant to reasonable standards and regulations to be promulgated by it, of the applicant's ability to comply with the provisions of this Act, which standards shall include but not be limited to the following requirements:

(1) Demonstrate that it has available to it sufficient technical skill to assure compliance with the provisions of this Act and the regulations adopted pursuant hereto;

(2) Demonstrate sufficient financial responsibility to reasonably assure the Regulatory Authority of the applicant's financial ability to execute the requirements of this Act pursuant to regulations promulgated by the Regulatory Authority.

(3) Certify by notarized statement under oath that the applicant has read and is fully familiar with the provisions of this Act and with all reclamation requirements contained in this Act and regulations promulgated by the Regulatory Authority.

(4) Certify that the applicant will obtain and will furnish the Regulatory Authority evidence of having obtained such permits as may be required prior to commencing operation under any permit which may be issued under this Act to the applicant.

(e) The Regulatory Authority shall have ninety (90) days to investigate and to consider the application and issue the license or an order denying its issuance, setting out deficiencies and reasons why the license was not issued and what corrective action should be taken.

(f) (1) The initial fee for a license shall be \$1,000.00 and shall be submitted with the application. Licenses shall be updated annually pursuant to regulations.

(2) A licensee with a valid license issued by the Alabama Surface Mining Reclamation Commission prior to the effective date of this Act and who intends to conduct surface coal mining and reclamation operations pursuant to this Act must reapply to the Regulatory Authority for a license within 90 days of the effective date of this Act. The fee for such application shall be \$200.00 and shall be in lieu of the \$1,000.00 initial licensing. The license shall be granted provided that no prior licensee shall be eligible to receive a license until all outstanding and delinquent fines, fees, penalties or other debts owed to the Alabama Surface Mining Reclamation Commission or other state agency by the prior licensee shall have been paid in full to the Regulatory Authority.

SECTION 5. Permits.

(a) No person shall engage in surface coal mining operations at a particular location until such person has been issued a permit by the Regulatory Authority for that location in accordance with the provisions of this Section. The term of a permit shall not exceed 5 years and shall authorize the permittee to engage in surface coal mining operations within the permitted area, unless sooner suspended or revoked in accordance with the provisions of this Act. If a permittee qualified under this Act succeeds another at any uncompleted operation by sale, assignment, lease or otherwise, the Director may release the first permittee from all liability for permit and bond requirements of this Act after the successor permittee has posted adequate bond, the successor permittee's permit application has been approved, and successor permittee assumes full liability for mining and reclamation procedures established herein.

(b) A permit shall terminate prior to its expiration date if the permittee has not commenced the surface coal mining operations covered by such permit within three (3) years of the issuance of the permit; provided, that the Regulatory Authority may grant reasonable extensions of time upon a showing that such extensions are necessary by reason of litigation precluding such commencement or threatening substantial economic loss to the permittee, or by reason of conditions beyond the control and without the fault or negligence of the permittee.

(c) Any valid permit issued pursuant to this Act shall carry with it the right of successive renewal upon expiration with respect to areas within the boundaries of the existing permit.

(1) The holders of the permit may apply for renewal and such renewal shall be issued, subsequent to fulfillment of the public notice requirements provided it is established by the permittee to the satisfaction of the Regulatory Authority that—

(A) the terms and conditions of the existing permit are being satisfactorily met;

(B) the present surface coal mining and reclamation operation is in compliance with the environmental protection standards of this Act;

(C) the renewal requested does not substantially jeopardize the permittee's or operator's continuing responsibility on existing permit areas;

(D) the permittee has provided evidence that the performance bond in effect for said operation will continue in full force and effect for any renewal requested in such application as well as any additional bond the Regulatory Authority might require;

(E) any additional revised or updated information required by the Regulatory Authority has been provided; and

(F) there has been compliance with the terms of other permits, or the orders, requirements rules, regulations, or standards of the Regulatory Authority on all other operations conducted by the permittee.

(2) Prior to the approval of any renewal of a permit, the Regulatory Authority shall provide notice to the appropriate public authorities.

(3) If an application for renewal of a valid permit includes a proposal to extend the mining operation beyond the boundaries authorized in the existing permit, the portion of the application for renewal of a valid permit which addresses any new land areas shall be subject to the full standards applicable to new applications under this Act.

(4) Any permit renewal shall be for a term not to exceed the period of the original permit established by this Act. Application for permit renewal shall be made at least one hundred and twenty days (120) days prior to the expiration of the valid permit.

SECTION 6. Applications for Permit.

(a) Each application for a surface coal mining reclamation permit under the provisions of this Act shall be accompanied by a fee as determined by the Regulatory Authority, but not to exceed the anticipated cost of reviewing, administering and enforcing the permit, however in no event shall the permit fee be less than one thousand dollars (\$1000).

(b) The permit application shall be submitted in a format prescribed by and satisfactory to the Regulatory Authority and shall contain:

(1) such information deemed necessary by the Regulatory Authority consistent with the requirements of section 507(b) of P.L. 95-87, 50 U.S.C. § 1257(b);

(2) a determination of the probable hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, quantity and quality of water in surface and ground water systems including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mining site and surrounding areas so that an assessment can be made by the Regulatory Authority of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability; provided, however, that this determination shall not be required until such time as hydrologic information on the general area prior to mining is made available from an appropriate Federal or State agency; provided, further, that the permit shall not be approved until such information is available and is incorporated into the application;

(3) information pertaining to coal seams, test borings, core samplings, or soil samples as required by this section. Such information shall be made available to any person with an interest which is or may be adversely affected; provided, that information which pertains only to the analysis of the chemical and physical properties of the coal (except information regarding such mineral or elemental content which is potentially toxic in the environment) shall be kept confidential and not made a matter of public record.

(4) certification that the applicant is in compliance with all county and municipal zoning laws

(5) any other information which the Regulatory Authority deems pertinent to the approval or disapproval of the permit application.

(c) Each applicant for a permit shall be required to submit to the Regulatory Authority as part of the permit application a reclamation plan which shall meet the requirements of this Act.

(d) Each applicant for a surface coal mining and reclamation permit shall file a copy of his application for public inspection with the recorder at the courthouse of the county or an appropriate public office approved by the Regulatory Authority where the mining is proposed to occur. Each applicant for a permit shall be required to submit to the Regulatory Authority as part of the permit application a certificate issued by an insurance company authorized to do business in the State certifying that the applicant has a public liability insurance policy in force for the surface coal mining and reclamation operations for which such permit is sought. Such policy shall provide for personal injury and property damage protection in an amount adequate to compensate any persons damaged as a result of surface coal mining and reclamation operations including use of explosives and entitled to compensation under the applicable provisions of State law. Such policy shall be maintained in full force and effect during the terms of the permit or any renewal, including the length of all reclamation operations.

SECTION 8. Permit Approval or Denial.

(a) Upon the basis of a complete mining application and reclamation plan or a revision or renewal thereof, as required by this Act, following public notification and opportunity for a public hearing as required by Section 14, the Regulatory Authority shall grant, require modification of, or deny the permit within a reasonable time and notify the applicant in writing of its action. The applicant for a permit, or revision of a permit, shall have the burden of establishing that his application is in compliance with all the requirements. Within ten days after the granting of a permit, the Regulatory Authority shall notify the local governmental officials in the local political subdivision in which the area of land to be affected is located that a permit has been issued and shall describe the location of the land.

(b) No permit or revision application shall be approved unless the application affirmatively demonstrates and the Regulatory Authority finds in writing on the basis of the information set forth in the application or from information otherwise available which will be documented in the approval, and made available to the applicant, that—

(1) the permit application is accurate and complete and that all the requirements of this Act have been complied with;

(2) the applicant has demonstrated that reclamation as required by this Act can be accomplished under the reclamation plan contained in the permit application;

(3) the assessment of the probable cumulative area on the hydrologic balance specified in Section 8(b) has been made by the Regulatory Authority and the proposed operation thereof has been designed to prevent material damage to hydrologic balance outside the permit area;

(4) the area proposed to be mined is not included within an area designated unsuitable for surface coal mining pursuant to Section 26 of this Act or is not within an area under study for such designation in an administrative proceeding commenced pursuant to Section 26(a) (4) (C) or Section 26(b) (unless in such an area as to which an administrative proceeding has commenced pursuant to Section 25(a) (4) (C) of this Act, the operator making the permit application demonstrates that, prior to January 1, 1977, he has made substantial and irrevocable legal and financial commitments in relation to the operation for which he is applying for a permit);

(5) in cases where the private mineral estate has been severed from the private surface estate, the applicant has submitted to the Regulatory Authority—

(A) the written consent of the surface owner to the extraction of coal by surface mining methods; or

(B) a conveyance that expressly grants or reserves the right to extract the coal by surface mining methods; or

(C) if the conveyance does not expressly grant the right to extract coal by surface mining methods, the surface-subsurface legal relationship shall be determined in accordance with State law; provided, that nothing in this Act shall be construed to authorize the Regulatory Authority to adjudicate property right disputes.

(6) that the applicant is in compliance with the terms and conditions of all existing permits, and the orders, requirements, rules, regulations and standards of the regulatory authority.

(7) that no other reason exist for denial of the application.

(c) The applicant shall file with his permit application a schedule listing any and all notices of violations of this Act and any law, rule, or regulation of the United States, or of any department or agency in the United States pertaining to environmental protection and the public health, safety or welfare incurred by the applicant in connection with any surface coal mining operation during the three-year period prior to the date of application. The schedule shall also indicate the final resolution of any such notice of violation. Where the schedule or other information available to the Regulatory Authority indicates that any surface coal mining operation owned or controlled by the applicant is currently in violation of this Act or such other laws referred to in this subsection, the permit shall not be issued until the applicant submits proof that such violation has been corrected or is in the process of being corrected to the satisfaction of the Regulatory Authority, department, or agency which has jurisdiction over such violation, and no permit shall be issued to an applicant after a finding by the Regulatory Authority, after opportunity for hearing, that the applicant, or the operator specified in the application, controls or has controlled mining operations with a demonstrated pattern of willful violations of this Act.

(d) (1) In addition to finding the application in compliance with subsection (b) of this section, if the area proposed to be mined contains prime farm land identified as such pursuant to Section 8(b) (1) of this Act and Section 507(b) (16) of P.L. 95-87, 30 U.S.C. § 1257 (b) (16), the Regulatory Authority shall, after consultation with the Secretary of Agriculture, and pursuant to regulations issued by the Secretary of Interior with the concurrence of the Secretary of Agriculture, grant a permit to mine on prime farm land if the Regulatory Authority finds in writing that the operator has the technological capability to restore such mined area, within a reasonable time, to equivalent or higher levels of yield as non-mined prime farm land in the surrounding area under equivalent levels of management and can meet the soil reconstruction standards adopted by the Regulatory Authority pursuant to Section 15 of this Act and Section 515 (b) (7) of P.L. 95-87, 30 U.S.C. § 1265 (b) (7). Except for compliance with subsection (b) of this section, the requirement of this paragraph shall apply to all permits issued after the effective date of this Act.

(2) Nothing in this subsection shall apply to any permit issued prior to August 3, 1977, or any existing surface mining operations for which a permit was issued prior to the date of enactment of this Act.

SECTION 9. Revision of Permits.

(a) (1) During the term of the permit the permittee may submit an application for a revision of the permit, together with a revised reclamation plan, to the Regulatory Authority.

(2) An application for a revision of a permit shall not be approved unless the Regulatory Authority finds that reclamation as required by this Act can be accomplished under the revised reclamation plan. The revision shall be approved or disapproved within a period of time established by the Regulatory Authority's regulations. The Regulatory Authority shall establish guidelines for a determination of the scale or extent of a revision request for which all permit application information requirements and procedures, including notice and hearings, shall apply; provided, that any revisions which propose significant alterations in the reclamation plan shall, at a minimum, be subject to notice and hearing requirements.

(3) Any extensions to the area covered by the permit except incidental boundary revisions must be made by application for another permit.

(b) No transfer, assignment, or sale of the rights granted under any permit issued pursuant to this Act shall be made without the written approval of the Regulatory Authority.

(c) The Regulatory Authority shall within a time limit prescribed in regulations promulgated by the Regulatory Authority review outstanding permits and may require reasonable revision or modification of the permit provisions during the term of such permit; provided, that such revision or modification shall be based upon a written finding and subject to notice and hearing requirements established by this Act.

SECTION 10. Coal Exploration Permits.

(a) Coal exploration operations including the removal of coal samples for testing, assaying or other associated purposes which substantially disturb the natural land surface may be conducted after: (1) filing a notice of intention to explore, including a description of the exploration area and the period of proposed exploration and provisions for reclamation in accordance with regulations adopted by the Regulatory Authority pursuant to Section 15 of this Act; or (2) if the operator intends to remove more than 250 tons of coal or affect more than one-half acre in any one location, filing an application and receiving a permit in accordance with the exploration regulations issued by the Regulatory Authority.

(b) Any person who conducts any coal exploration activities which disturb the natural land surface in violation of this section or regulations issued pursuant thereto shall be subject to the enforcement provisions of this Act.

SECTION 11. Permit Review Process and Appeals.

(a) At the time of submission of an application for a surface coal mining and reclamation permit, or revision of an existing permit, pursuant to the provisions of this Act, the applicant shall place an advertisement in a local newspaper of general circulation in the locality of the proposed surface mine

at least once a week for four consecutive weeks. Such advertisement shall set forth ownership, precise location, and boundaries of the land to be affected. At the time of submission such advertisement shall be submitted to the Regulatory Authority by the applicant. The Regulatory Authority shall notify various local governmental bodies, planning agencies, and sewage and water treatment authorities or water companies in the locality in which the proposed surface mining will take place, notifying them of the operator's intention to surface mine a particularly described tract of land and indicating the application's permit application number and where a copy of the proposed mining and reclamation plan may be inspected. These local bodies, agencies, authorities or companies may submit written comments within a reasonable period established by the Regulatory Authority on the mining applications with respect to the effect of the proposed operation on the environment. Such comments shall immediately be transmitted to the applicant by the Regulatory Authority and shall be made available to the public at the same locations as are the mining applications.

(b) Any person shall have the right to file written objections to the proposed initial or revised application for a permit for surface coal mining and reclamation operation with the Regulatory Authority within thirty days (30) after the last publication of the above notice. Such objections shall immediately be transmitted to the applicant by the Regulatory Authority and shall be made available to the public. If written objections are filed and an informal conference requested, the Regulatory Authority shall then hold an informal conference in the locality of the proposed mining if requested within a reasonable time of the receipt of such objections or request. The date, time and location of such informal conference shall be advertised by the Regulatory Authority in a newspaper of general circulation in the locality at least two weeks prior to the scheduled conference date. The Regulatory Authority may arrange with the applicant upon request by any party to the administrative proceeding access to the proposed mining area for the purpose of gathering information relevant to the proceeding. An electronic or stenographic record shall be made of the conference proceeding if requested by any party. Such record shall be maintained and shall be accessible to the parties until final release of the applicant's performance bond. In the event all parties requesting an informal conference stipulate agreement prior to the requested informal conference and withdraw their request, such informal conference need not be held.

(c) If an informal conference has been held pursuant to subsection (b), the Regulatory Authority shall issue and furnish the applicant for a permit and persons who are parties to the administrative proceedings with the written finding of the Regulatory Authority granting or denying the permit in whole or in part and stating the reasons therefor within the sixty days of said hearings.

(d) If there has been no informal conference held pursuant to subsection (b), the Regulatory Authority shall notify the applicant for a permit within a reasonable time as determined by the Regulatory Authority and set forth in regulations, taking into account the time needed for proper investigation of the site, the complexity of the permit application, and whether or not written objection to the application has been filed, whether the application has been approved or disapproved in whole or part. If the application is approved, the permit shall be issued.

(e) If the application is disapproved, specific reasons therefor must be set forth in the notification. Within thirty days after the applicant is notified of the final decision of the Regulatory Authority on the permit application, or

if the Regulatory Authority fails to act within the time limitations specified in this Act, any interested person may request a hearing on the reasons for the final determination. The Regulatory Authority shall hold a hearing within thirty days of such request in accordance with the provisions of Section 20 of this Act. No person who presided at a conference under subsection (b) shall either preside at the hearing or participate in this decision thereon. Within thirty days after the hearing the Regulatory Authority shall issue and furnish the applicant, and all persons who participated in the hearing, with the written decision of the Regulatory Authority granting or denying the permit in whole or in part and stating the reasons therefor.

(f) Where a hearing is requested pursuant to subsection (e), the Regulatory Authority may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceedings if—

(1) all parties to the proceedings have been notified and given an opportunity to be heard on a request for temporary relief;

(2) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding; and

(3) such relief will not adversely affect the public health or safety or cause significant environmental harm to land, air, or water resources.

(g) For the purpose of such hearing, the Regulatory Authority may administer oaths, subpoena witnesses, or written or printed materials, compel attendance of the witnesses, or production of the materials, and take evidence including but not limited to site inspections of the land to be affected and other surface coal mining operations carried on by the applicant in the general vicinity of the proposed operation. A verbatim record of each public hearing required by this Act shall be made, and a transcript made available on the request payment of costs by the requesting party.

(h) Any applicant or any person who has participated in the administrative proceedings as an objector, and who is aggrieved by the decision of the Regulatory Authority, or if the Regulatory Authority fails to act within the time limits specified in this Act shall have the right to seek review in the Circuit Court in accordance with the provisions of Section 20 of this Act.

SECTION 12. Performance Bonds and Bond Releases.

(a) After a surface coal mining and reclamation permit application has been approved but before such a permit is issued, the applicant shall file with the Regulatory Authority, on a form prescribed and furnished by the Regulatory Authority, a bond for performance payable to the State and conditional upon faithful performance of all the requirements of this Act and the permit. The bond shall cover all lands to be disturbed by the surface mining operation. The amount of the bond required for each bonded area shall depend upon the reclamation requirements of the approved permit, shall reflect the probable difficulty of reclamation giving consideration to such factors as topography, geology of the site, hydrology, and revegetation potential, and shall be determined by the Regulatory Authority. The amount of the bond shall be sufficient to assure the completion of the reclamation plan if the work had to be performed by the Regulatory Authority in the event of forfeiture and in no case shall the bond for the entire area under one permit be less than ten thousand dollars (\$10,000).

(b) Liability under the bond shall be for the duration of the surface coal mining and reclamation operation and for the period coincident with operator's responsibility for revegetation requirements in regulations adopted by the Regulatory pursuant to Section 15. The bond shall be executed by the operator and a corporate surety licensed to do business in the State, except that the operator may elect to deposit cash, negotiable bonds of the United States Government or State, or negotiable certificates of deposit of any bank organized or transacting business in the United States. The cash deposit or market value of such securities shall be equal to or greater than the amount of the bond required for the bonded area.

(c) Cash or securities so deposited shall be deposited upon the same terms as the terms upon which surety bonds may be deposited. Such securities shall be security for the repayment of such negotiable certificate of deposit.

(d) The amount of the bond or deposit required and the terms of each acceptance of the applicant's bond shall be adjusted by the Regulatory Authority from time to time as the methods of mining operation change, standards of reclamation change or when the cost of future reclamation, restoration or abatement change. The Regulatory Authority shall notify the permittee of any proposed bond adjustment and provide the permittee an opportunity for an informal conference on the adjustment, with notice to the landowner and surety, if any.

(e) The permittee may file a request with the Regulatory Authority for the release of all or part of a performance bond or deposit. Within thirty days after any application for bond or deposit release has been filed with the Regulatory Authority, the operator shall submit a copy of an advertisement placed at least once a week for four successive weeks in a newspaper of general circulation in the locality of the surface coal mining operation. Such advertisement shall be considered part of any bond release application and shall contain a notification of the precise location of the land affected, the number of acres, the permit and the date approved, the amount of the bond filed and the portion sought to be released, and the type and appropriate dates of reclamation work performed, and a description of the results achieved as they relate to the operator's approved reclamation plan. In addition, as part of any bond release application, the applicant shall submit copies of letters which he has sent to adjoining property owners, local governmental bodies, planning agencies, and sewage and water treatment authorities, or water companies in the locality in which the surface coal mining and reclamation activities took place, notifying them of his intention to seek release from the bond.

(f) Upon receipt of the notification and request, the Regulatory Authority shall within thirty days conduct an inspection and evaluation of the reclamation work involved. Such evaluation shall consider, among other things, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of continuance of future occurrence of such pollution, and the estimated cost of abating such pollution. The Regulatory Authority shall notify the permittee in writing of its decision to release or not to release all or part of the performance bond or deposit within sixty days from the filing of the request, or, if a public hearing has been held pursuant to subsection (k), within thirty days thereafter.

(g) The Regulatory Authority may release in whole or in part said bond or deposit if the authority is satisfied the reclamation covered by the bond or deposit or portion thereof has been accomplished as required by this Act according to the following schedule:

(1) When the operator completes the backfilling, regrading, and drainage control of a bonded area in accordance with his approved reclamation plan, 60 per centum of the bond or collateral for the applicable permit area may be released.

(2) When determining the amount of bond to be established on the regarded mined lands in accordance with the approved reclamation plan, the Regulatory Authority shall retain that amount of bond for the revegetated area which would be sufficient for a third party to cover the cost of reestablishing revegetation and for the period specified for operator responsibility in regulations adopted by the Regulatory Authority pursuant to Section 15 of this Act for reestablishing revegetation. No part of the bond or deposit shall be released under this paragraph so long as the lands to which the release would be applicable are contributing suspended solids to streamflow or runoff outside the permit area in excess of the requirements set by regulations adopted by the Regulatory Authority pursuant to this Act and Section 515 (b) (10) of P.L. 95-87, 30 U.S.C. § 1265 (b) (10), or until soil productivity for prime farm lands has returned to equivalent levels of yield as nonmined land of the same soil type in the surrounding area under equivalent management practices as determined from the soil survey performed under regulations adopted by the Regulatory Authority pursuant to this Act and Section 507 (b) (16) of P.L. 95-87, 30 U.S.C. § 1257 (b) (16) to Section 8(b) (15), or where release of the bond would leave an amount inadequate to reclaim any area under permit to the operator. Where a silt dam is to be retained as a permanent impoundment under regulations adopted by the Regulatory Authority pursuant to Section 15 of this Act and Section 515 (b) (8) of P.L. 95-87, 30 U.S.C. § 1265 (b) (8), the portion of bond may be released under this paragraph so long as provisions for such future maintenance by the operator or the landowner have been made with the Regulatory Authority.

(3) When the operator has completed successfully all surface coal mining and reclamation activities, the remaining portion of the bond may be released, but not before the expiration of the period specified for operator responsibility in regulations adopted by the Regulatory Authority pursuant to Section 15 of this Act and Section 515 of P.L. 95-87, 30 U.S.C. § 1265 provided, however, that no bond shall be fully released until all reclamation requirements of this Act are fully met.

(h) If the Regulatory Authority disapproves the application for release of the bond or portion thereof, the Regulatory Authority shall notify the permittee in writing, stating the reasons for disapproval and recommending corrective actions necessary to secure said release and allowing opportunity for a public hearing.

(i) When any application for total or partial bond release is filed with the Regulatory Authority, the Regulatory Authority shall notify the municipality in which a surface coal mining operation is located by certified mail at least thirty days prior to the release of all or a portion of the bond.

(j) Any interested person shall have the right to file written objections to the proposed release from bond with the Regulatory Authority within thirty days after the last publication of the above notice. If written objections are filed, and a hearing requested, the Regulatory Authority shall inform all the interested parties, of the time and place of the hearing, and hold a public

hearing in the locality of the surface coal mining operation proposed for bond release within thirty days of the request for such hearing. The Regulatory Authority shall advertise the date, time, and location of such public hearings, in a newspaper of general circulation in the locality for two consecutive weeks, and shall hold a public hearing in the locality of the surface coal mining operation proposed for bond release or at the office of the Regulatory Authority, at the option of the objector, within thirty days of the request for such hearing.

(k) Without prejudice to the rights of the objectors, the applicant, or the responsibilities of the Regulatory Authority pursuant to this section, the Regulatory Authority may establish an informal conference as provided in Section 13(b) to resolve such written objections.

(l) For the purpose of such hearing the Regulatory Authority shall have the authority and is hereby empowered to administer oaths, subpoena witnesses, or written or printed materials, compel the attendance of witnesses, or production of the materials, and take evidence including but not limited to inspections of the land affected and other surface coal mining operations carried on by the applicant in the general vicinity. A verbatim record of each public hearing required by this Act shall be made, and a transcript made available on the request and at the cost to the requesting party.

SECTION 13. Environmental Protection Performance Standards.

Within ninety (90) days of the effective date of this Act, the Regulatory Authority shall promulgate regulations not inconsistent with the environmental performance standards of Section 515 of P.L. 95-87, 30 U.S.C. § 1265 and regulations promulgated pursuant thereto. All surface coal mining operations and coal exploration operations in Alabama shall comply with all applicable performance standards of Section 515 of P.L. 95-87 as well as any amendments thereto.

SECTION 14. Surface Effects of Underground Coal Mining Operations.

(a) The Regulatory Authority shall promulgate rules and regulations directed toward the surface effects of underground coal mining operations, and embodying the following requirements; provided, that in adopting any rules and regulations, the Regulatory Authority shall consider all distinct differences between surface coal mining and underground coal mining.

(b) Each permit issued pursuant to this Act and relating to underground coal mining shall require the operator to—

(1) adopt measures consistent with available technology in order to prevent subsidence to the extent technologically and economically feasible, maximum mine stability, and maintain the value and reasonably foreseeable use of such surface lands, except in those instances where the mining methods used require planned subsidence in a predictable and controlled manner; provided, that nothing in this subsection shall be construed to prohibit the standard method of room and pillar mining;

(2) seal all portals entryways, drifts, shafts, or other openings between the surface and underground mine working when no longer needed for the conduct of the mining operations;

(3) fill or seal exploratory holes no longer necessary for mining, maximizing to the extent technologically and economically feasible return of mine and processing waste, tailings, and any other waste incident to the mining operation, to the mine workings or excavations;

(4) with respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine workings or excavations, stabilize all waste piles created by the permittee from current operations through construction in compacted layers including the use of incombustible and impervious materials if necessary and assure that the leachate will not degrade waters below water quality standards established pursuant to applicable Federal and State law surface or ground waters and that the final contour of the waste accumulation will be compatible with natural surroundings and that the site is stabilized and revegetated according to the provisions of this section;

(5) design, locate, construct, operate, maintain, enlarge, modify, and remove, or abandon, in accordance with the standards and criteria developed pursuant to the Regulatory Authority's regulations, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes and used either temporarily or permanently as dams or embankments;

(6) establish on regraded areas and all other lands affected, a diverse and permanent vegetative cover capable of self-regeneration and plant succession and at least equal in extent of cover to the natural vegetation of the area;

(7) protect offsite areas from damages which may result from such mining operations;

(8) eliminate fire hazards and otherwise eliminate conditions which constitute a hazard to the environment or to health and safety of the public;

(9) minimize the disturbances of the prevailing hydrologic balance at the minesite and in associated offsite areas and to the quantity of water in surface ground water systems both during and after coal mining operations and during reclamation by—

(A) avoiding acid or other toxic mine drainage by such measures as, but not limited to—

(i) preventing or removing water from contact with toxic producing deposits;

(ii) treating drainage to reduce toxic content which is released to water courses;

(iii) casing, sealing, or otherwise managing boreholes, shafts, and wells to keep acid or other toxic drainage from entering ground and surface waters; and

(B) conducting surface coal mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside the permit area (but in no event shall such contributions be in excess of requirements set by applicable State or Federal law) and avoiding channel deepening or enlargements in operations requiring the discharge of water from mines;

(10) with respect to other surface impacts not specified in this subsection including the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, repair areas, storage areas, processing areas, shipping areas, and other areas

upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities, operate in accordance with the standards established under Section 15 of this Act for such effects which result from surface coal mining operations; provided, that the Regulatory Authority shall make such modifications in the requirements imposed by this subparagraph as are necessary to accommodate the distinct difference between surface and underground coal mining;

(11) to the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable;

(12) locate openings for all new drift mines working acid-producing or iron-producing coal seams in such a manner as to prevent a gravity discharge of water from the mine.

(C) In order to protect the stability of the land, the Regulatory Authority shall suspend underground coal mining under urbanized areas, cities, towns, and communities and adjacent to industrial or commercial buildings, major impoundments, or permanent streams if it finds imminent danger to inhabitants of the urbanized areas, cities, towns and communities.

(D) The provisions of this Act relating to permits, bonds, inspections and enforcement, public review, and administrative and judicial review shall be applicable to surface operations and surface impacts incident to an underground coal mine with such modifications to the permit application requirements, permit approval or denial procedures, and bond requirements as are necessary to accommodate all distinct differences between surface and underground coal mining. The Regulatory Authority shall promulgate such modifications in accordance with the rulemaking procedures established Section 34 of this Act.

SECTION 15. Inspections.

(a) For the purpose of developing or assisting in the development, administration, and enforcement of this Act or in the administration and enforcement of any permit under this Act, or of determining whether any person is in violation of any requirement of this Act—

(1) the Regulatory Authority shall require any permittee to (A) establish and maintain appropriate records, (B) make monthly reports to the Regulatory Authority, (C) install, use, and maintain any necessary monitoring equipment or methods, (D) evaluate results in accordance with such methods, at such locations, intervals, and in such manner as the Regulatory Authority shall prescribe, and (E) provide such other information relative to surface coal mining and reclamation operations as the Regulatory Authority deems reasonable and necessary;

(2) for those surface coal mining and reclamation operations which remove or disturb strata that serve as aquifers, the Regulatory Authority shall specify those—

(A) monitoring sites to record the quantity and quality of surface drainage above and below the minesite as well as in the potential zone of influence;

(B) monitoring sites to record level, amount, and samples of ground water and aquifers potentially affected by the mining and also directly below the lowermost (deepest) coal seam to be mined;

(C) records of well logs and borehole data to be maintained; and

(D) monitoring sites to record precipitation. The monitoring data collection and analysis required by this section shall be conducted according to standards and procedures set forth by the Regulatory Authority in order to assure their reliability and validity; and

(3) the authorized representatives of the Regulatory Authority, without advance notice and upon presentation of appropriate credentials, (A) shall have the right to entry to, upon or through any surface coal mining and reclamation operations of any premises in which any records required to be maintained under paragraph (1) of this subsection are located; and (B) may at reasonable times, and without delay, have access to and copy any records, inspect any monitoring equipment or method of operation required under this Act.

(b) The inspections by the Regulatory Authority shall (1) occur on an irregular basis averaging not less than one partial inspection per month and one complete inspection per calendar quarter for the surface coal mining and reclamation operation covered by each permit; (2) occur without prior notice to the permittee or his agents or employees except for necessary onsite meetings with the permittee; and (3) include the filing of inspection reports adequate to enforce the requirements of and to carry out the terms and purposes of this Act.

(c) Each permittee shall conspicuously maintain at the entrances to the surface coal mining and reclamation operations a clearly visible sign which sets forth the name, business address, and phone number of the permittee and the permit number of the surface coal mining and reclamation operations.

(d) Each inspector, upon detection of each violation of any requirement of this Act, shall forthwith inform the operator in writing, and shall report in writing any such violation to the Regulatory Authority.

(e) Copies of any records, reports, inspection materials, or information obtained under this Act by the Regulatory Authority shall be made immediately available to the public at central and sufficient locations in the county, multicounty, and State area of mining so that they are conveniently available to residents in the areas of mining.

(f) (1) Any interested person may notify the Regulatory Authority or any representative of the Regulatory Authority responsible for conducting the inspection, in writing, of any violation of this Act which he has reason to believe exists at the surface mining site. The Regulatory Authority shall, by regulation, establish procedures for informal review of any refusal by a representative of the Regulatory Authority to issue a citation with respect to any such alleged violation. The Regulatory Authority shall furnish such persons requesting the review a written statement of the reasons for the Regulatory Authority's final disposition of the case. (2) The Regulatory Authority shall also, by regulation, establish procedures to insure that adequate and complete inspections are made. Any such person may notify the Regulatory Authority of any failure to make such inspections, after which the Regulatory Authority shall determine whether adequate and complete inspections have been made. The Regulatory Authority shall furnish such persons a written statement of the reasons for the Regulatory Authority's determination that adequate and complete inspections have or have not been conducted.

SECTION 16. Enforcement.

(a) Whenever, on the basis of any information available to it, including receipt of information from any person, the Regulatory Authority has reason to believe that any person is in violation of any requirement of this Act or any permit condition required by this Act, the Regulatory Authority shall immediately order an inspecting of the surface coal mining operation at which the alleged violation is occurring unless the same information is available to the Regulatory Authority as a result of a previous inspection. When the inspection results from information provided to the Regulatory Authority by any person, the Regulatory Authority shall notify such person when the inspecting is proposed to be carried out and such person shall be allowed to accompany the inspector during the inspection.

(b) When on the basis of an inspection by an authorized representative of the Regulatory Authority, the Regulatory Authority or its authorized representative determines that any condition or practice exists or that any permittee is in violation of any requirement of this Act of any permit condition required by this Act, such violation, condition or practice also creates an imminent danger to the health or safety of the public, or is causing or can reasonably be expected to cause environmental harm to land, air or water resources, the Regulatory Authority or its authorized representative shall immediately order a cessation of surface coal mining and reclamation operations and issue a citation for a hearing pursuant to Section 22. Such cessation order shall remain in effect until the Regulatory Authority or its authorized representative determines that the condition, practice, or violation has been abated, or until modified, vacated or terminated by the Regulatory Authority or its authorized representative pursuant to subsection (e) of this section. Where the Regulatory Authority finds pursuant to Section 22 that the ordered cessation of surface coal mining and reclamation operations, or any portion thereof, will not completely abate the imminent danger to the health or safety of the public or the significant, imminent environmental harm to land, air, or water resources, the Regulatory Authority shall, in addition to the cessation order, impose affirmative obligations on the operator requiring him to take whatever steps the Regulatory Authority deems necessary to abate the imminent danger or the significant, imminent harm.

(c) When on the basis of an inspection by an authorized representative of the Regulatory Authority, the Regulatory Authority or its authorized representative determines that any permittee is in violation of any requirement of this Act, including any permit condition required by this Act, but such violation does not create an imminent danger to the health or safety of the public or cannot be reasonably expected to cause environmental harm to land, air or water resources, the Regulatory Authority or its authorized representative shall forthwith issue a notice to the permittee or his agent fixing a reasonable time but not more than ninety days for the abatement of the violation and providing opportunity for a public hearing. If, upon expiration of the period of time as originally fixed or subsequently extended, for good cause shown and upon the written findings of the Regulatory Authority or its authorized representative, the Regulatory Authority or its authorized representative finds that the violation has not been abated, a cessation order shall immediately be issued for the surface coal mining and reclamation operation. Such cessation order shall remain in effect until modified, vacated or terminated by the Regulatory Authority or its authorized representative pursuant to subsection (e) of this Section or until the Regulatory Authority or its authorized representative determines that the violation has been abated. In the order of cession the Regulatory Authority shall determine the steps necessary to abate the violation in the most expeditious manner possible and shall include the necessary measures in the order.

(d) When, on the basis of an inspection, the Regulatory Authority or its authorized representative determines that a pattern of violations of any requirements of this Act or any permit conditions exists or has existed, and if the Regulatory Authority or its authorized representative also finds that such violations are caused by the unwarranted failure of the permittee to comply with any requirements of this Act or any permit conditions, or that such violations are willfully caused by the permittee, the Regulatory Authority or its authorized representative shall forthwith issue an order to show cause as to why the permit should not be suspended or revoked and shall provide opportunity for a public hearing. If a hearing is requested, the Regulatory Authority shall inform all interested persons of the time and place of the hearing. Upon the permittee's failure to show cause as to why the permit should not be suspended or revoked, the Regulatory Authority or its authorized representative shall forthwith suspend or revoke the permit.

(e) Notices and orders issued pursuant to this section shall set forth with reasonable specificity the nature of the violation and the remedial action required, the period of time established for abatement and a reasonable description of the portion of the surface coal mining and reclamation operation to which the notice or order applies. Each notice or order issued under this section shall be given promptly to the permittee or his agent by the Regulatory Authority or its authorized representative who issues such notice or order and all such notices and orders shall be in writing and shall be signed by the Regulatory Authority or such authorized representative. Any notice or order issued pursuant to this section may be modified, vacated or terminated by the Regulatory Authority or its authorized representative. Provided, that any notice or order issued pursuant to this section which requires cessation of mining by the operator shall expire within thirty (30) days of actual notice to the operator or his agent, unless a public hearing is held at the site or within such reasonable proximity to the site that any viewings of the site can be conducted during the course of the public hearing.

(f) The Regulatory Authority may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the circuit court of Montgomery County whenever such permittee or his agent (A) violates or fails or refuses to comply with any order or decision issued by the Regulatory Authority under this Act, or (B) interferes with, hinders or delays the Regulatory Authority or his authorized representatives in carrying out the provisions of this Act, or (C) refuses to admit such authorized representative to the mine, or (D) refuses to permit inspection of the mine by such authorized representative, or (E) refuses to furnish any information or report requested by the Regulatory Authority in furtherance of the provisions of this Act, (F) refuses to permit access to, and copying of, such records as the Regulatory Authority determines necessary in carrying out the provisions of this Act, or (G) violates any provision of this Act. Such court shall have the jurisdiction to provide such relief as may be appropriate. Temporary restraining orders shall be issued in accordance with Rule 65 of the Alabama Rules of Civil Procedure as amended. Any relief granted by the court to enforce an order under clause (A) of this section shall continue in effect until the completion or final termination of all proceedings for review of such order under this title, unless, prior thereto, the district court granting such relief sets it aside or modifies it.

(g) Nothing in this Act shall prevent the Attorney General from prosecuting violations thereof and nothing in this Act shall be construed so as to eliminate any additional enforcement rights or procedures available under state law but which are not specifically enumerated herein.

SECTION 17. Penalties.

(a) Any permittee or operator who violates any permit condition or who violates any other provision of this Act, may be assessed a civil penalty by the Regulatory Authority, except that if such violation leads to the issuance of a cessation order under Section 18, the civil penalty shall be assessed. Such penalty shall not exceed ten thousand (\$10,000.00) for each violation. Each day of continuing violation may be deemed a separate violation for purposes of penalty assessments. In determining the amount of the penalty, consideration shall be given to the permittee's history of previous violations; the seriousness of the violation, including any harm to the environment and any hazard to the health or safety of the public; whether the permittee was negligent; and the demonstrated good faith of the permittee charged in attempting to achieve rapid compliance after notification of the violation.

(b) A civil penalty shall be assessed by the Regulatory Authority only after the person charged with a violation described under subsection (a) of this section has been given an opportunity for a public hearing. Where such a public hearing has been held, the Regulatory Authority shall make findings of fact, and shall issue a written decision as to the occurrence of the violation and the amount of the penalty which is warranted, incorporating, when appropriate, an order therein requiring that the penalty be paid. When appropriate, the Regulatory Authority shall consolidate such hearings with other proceedings under Section 18 of this Act. Any hearing under this section shall be of record and shall be conducted according to the procedures established by the Regulatory Authority pursuant to Section 20 of this Act. Where the person charged with such a violation fails to avail himself of the opportunity for a public hearing, a civil penalty shall be assessed by the Regulatory Authority after the Regulatory Authority has determined that a violation did occur has determined the amount of the penalty which is warranted, and has issued an order requiring that the penalty be paid.

(c) Upon the issuance of a notice or order charging that a violation of the Act has occurred, the Regulatory Authority shall inform the operator within thirty (30) days of the proposed amount of said penalty. The person charged with the penalty shall then have thirty (30) days to pay the proposed penalty in full or, if the person wished to contest either the amount of the penalty or the fact of the violation, forward the proposed amount to the Regulatory Authority for placement in an escrow account. If through administrative or judicial review of the proposed penalty, it is determined that no violation occurred, or that the amount of the penalty should be reduced, the Regulatory Authority shall within thirty (30) days remit the appropriate amount to the person, with interest at the rate of 6 percent, or at the prevailing Department of the Treasury rate, whichever is greater. Failure to forward the money to the Regulatory Authority within thirty (30) days shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.

(d) Civil penalties owed under this Act may be recovered in a civil action brought by the Attorney General in any appropriate circuit court of this state.

(e) Any person who willfully and knowingly violates a condition of a permit issued pursuant to this Act or fails or refuses to comply with any order issued under Section 18 or Section 22 of this Act, or any order incorporated in a final decision issued by the Regulatory Authority under this Act, shall, upon conviction be punished by a fine of not more than Twenty-five thousand dollars (\$25,000.00), or by imprisonment for not more than one year or both.

(f) Whenever a corporate permittee violates a condition of a permit issued pursuant to this Act or fails or refuses to comply with any order issued under Section 18 of this Act, or any order incorporated in a final decision issued by the Regulatory Authority under this Act, any director, officer, or agent of such corporation who willfully and knowingly authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the same civil penalties, fines, and imprisonment that may be imposed upon a person under subsections (a) and (e) of this section.

(g) Whoever knowingly makes any false statement, representation, or certification, or knowingly fails to make any statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Act or any order or decision issued by the Regulatory Authority under this Act, shall upon conviction, be punished by a fine of not more than Twenty-five thousand dollars (\$25,000.00) or by imprisonment for not more than one year or both.

(h) Any operator who fails to correct a violation for which a citation has been issued under Section 18 within the period permitted for its correction (which period shall not end until the entry of a final order or the conclusion of the appeals process), shall be assessed a civil penalty of not less than \$1,000.00 for each day during which such failure or violation continues.

(i) Any operator who forfeits his bond for willful failure to reclaim the affected land shall not be issued a new permit for any operation in which he owns any interest.

(j) Any person who shall, except as permitted by law, willfully resist, prevent, impede, or interfere with the Regulatory Authority or any of its agents in the performance of duties pursuant to this Act shall be punished by a fine of not more than Twenty-five thousand dollars (\$25,000.00) or by imprisonment for not more than one year, or both.

SECTION 18. Citizen's Suits.

(a) Except as provided in subsection (b) of this section, any person having knowledge that any of the provisions of this Act are willfully or deliberately not being enforced may commence a civil action on his own behalf to compel compliance with this Act—

(1) against any person who is alleged to be in violation of any rule, regulation, order or permit issued pursuant to this Act; or

(2) against the Regulatory Authority where there is alleged a failure of the Regulatory Authority to perform any act or duty under this Act which is not discretionary with the Regulatory Authority.

In a civil action brought pursuant to this subsection, the cause shall be tried in the Circuit Court of Montgomery County, and the action shall be prosecuted in the name of the real party in interest.

(b) No action may be commenced—

(a) under subsection (a) (1) of this section—

(A) prior to sixty days after the plaintiff has given notice in writing of the violation (i) to the Regulatory Authority, (ii) to the Secretary of the Interior, and (iii) to any alleged violator; or

(B) if the Secretary of the Interior, the Regulatory Authority, or the Attorney General has commenced and is diligently prosecuting a civil action to require compliance with the provisions of this Act, or any rule, regulation, order, or permit issued pursuant to this Act. In any such action any person may intervene as a matter of right; or

(2) under subsection (a) (2) of this section prior to sixty days after the plaintiff has given notice in writing of such action to the Regulatory Authority in such manner as the Regulatory Authority by regulation shall prescribe except that such action may be brought immediately after such notification in the case where the violation or order complained of constitutes a threat to the health or safety of the plaintiff or would immediately affect a legal interest of the plaintiff.

(c) In such action under this section, the Regulatory Authority or the Secretary of the Interior if not parties, may intervene as a matter of right.

(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including attorney and expert witness fees) to any party, whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought require the filing of a bond or equivalent security in accordance with the Alabama Rules of Civil Procedure.

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any of the provisions of this Act and the regulations thereunder, or to seek any other relief, including relief against the Regulatory Authority, as permitted by the Constitution and laws of this State.

(f) Any person who is injured in his person or property through the violation by any operator of any rule, regulation, order, or permit issued pursuant to this Act may bring an action for damages where such right exists (including reasonable attorney and expert witness fees) in the venue available under Alabama law. Nothing in this subsection shall affect the rights established by or limits imposed under State Workmen's Compensation laws.

SECTION 19. Rule Making Procedure.

In adopting, amending or repealing any rule, including any regulation or standard, the Regulatory Authority shall observe the following procedure:

(a) Regulatory Authority shall develop its proposed rules and shall prepare a notice which states that rules have been developed, solicits comments in writing, states that the proposed rules are available for inspection and states that a public hearing will be held at a date no sooner than thirty five (35) days from the initial publication of said notice. The notice shall be published in a newspaper of general circulation for the State of Alabama at least twice for two consecutive weeks. The notice and a copy of the proposed rules, shall be mailed to all licensees, and all persons who have requested written notification of the Regulatory Authority's rule-making activities.

(b) At the public hearing held on the date set forth in the notice published pursuant to subsection (b) of this Section, any interested person may appear and be heard concerning the proposed rules. A full and complete transcript shall be kept of any such hearing, a copy of which may be had by any person upon payment of the cost of the transcript. The Regulatory Authority shall consider fully all written and oral submissions respecting the

proposed rule. Upon adoption, amendment or repeal of a rule the Regulatory Authority, if requested to do so by an interested person either prior to adoption or within thirty (30) days thereafter, shall issue a concise statement of the principal reasons for its actions.

(c) The Regulatory Authority shall publish, or on its discretion withdraw, its rules and shall file a certified copy thereof in the office of the Secretary of State. Unless a longer period is prescribed by the Regulatory Authority, all rules and amendments and repeals thereof shall take effect thirty (30) days after publication. The Regulatory Authority shall mail a copy of its rules immediately upon publication to all licensees, to all persons who have requested written notification of the Regulatory Authority's rule-making activities and, upon request, to any other person.

(d) The validity of applicability of a rule, regulation or standard may be reviewed in an action for a declaratory judgment, or its enforcement stayed by injunctive relief in the circuit court of Montgomery County, if the court finds that the rule, or its threatened application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff. The Regulatory Authority shall be made a party to the action. In passing on such rules the court shall declare the rule invalid only if it finds that it violates constitutional provisions, exceeds the statutory authority of the Regulatory Authority or was adopted without substantial compliance with rule-making procedures provided for in this section.

(e) Any person may request written notification of the Regulatory Authority's rule-making activities by sending such request to the Regulatory Authority.

SECTION 20. Designating Areas Unsuitable for Surface Coal Mining.

(a) (1) The Regulatory Authority shall establish a planning process enabling objective decisions based upon competent and scientifically sound data and information as to which, if any, land areas of the State are unsuitable for all or certain types of surface coal mining operations pursuant to the standards set forth in paragraphs (2) and (3) of this subsection. (2) Upon petition pursuant to subsection (c) of this section, the Regulatory Authority shall designate an area as unsuitable for all or certain types of surface coal mining operations if the Regulatory Authority determines that reclamation pursuant to the requirements of this Act is not technologically and economically feasible. (3) Upon petition pursuant to subsection (c) of this section, a surface area may be designated unsuitable for certain types of surface coal mining operations if such operations will—

(A) be incompatible with existing State or local land use plans or programs; or

(B) affect fragile or historic lands in which such operations could result in significant damage to important historic, cultural, scientific, and esthetic values and natural systems; or

(C) after renewable resource lands in which such operations could result in a substantial loss or reduction of long-range productivity of water supply or of food or fiber products, and such lands to include aquifers and aquifer recharge areas; or

(D) affect natural hazard lands in which such operations could substantially endanger life and property, such lands to include areas subject to frequent flooding and areas of unstable geology.

(4) To comply with this section, the Regulatory Authority, which is the State agency responsible for surface mining lands review, must develop a process which includes—

(A) a data base and an inventory system which will permit proper evaluation of the capacity of different land areas of the State to support and permit reclamation of surface coal mining operations;

(B) a method or methods for implementing land use planning decisions concerning surface coal mining operations;

(C) and proper notice, opportunities for public participation, including a public hearing prior to making any designation or redesignation, pursuant to this section.

(5) Determinations of the unsuitability of land for surface coal mining, as provided for in this section, shall be integrated as closely as possible with present and future land use planning and regulation processes at the Federal, State, and local levels.

(6) The requirements of this section shall not apply to lands on which surface coal mining operations are being conducted on the date of enactment of this Act, or where substantial legal and financial commitments in such operation were in existence prior to January 4, 1977.

(b) Any interested person shall have the right to petition the Regulatory Authority to have an area designated as unsuitable for surface coal mining operations or to have such a designation terminated. Such a petition shall contain allegations of facts with supporting evidence. Within ten months after receipt of the petition the Regulatory Authority shall hold a public hearing in the locality of the affected area, after appropriate notice and publication of the date, time, and location of such hearing. After a person has filed a petition and before the hearing, as required by this subsection, any person may intervene by filing allegations of facts with supporting evidence. Within sixty (60) days after such hearing, the Regulatory Authority shall issue and furnish to the petitioner and any other interested persons, a written decision regarding the petition, and the reasons therefore.

(c) Prior to designating any land areas as unsuitable for surface coal mining operations, the Regulatory Authority shall prepare a detailed statement on (i) the potential coal resources of the area, (ii) the demand for coal resources, and (iii) the impact of such designation on the environment, the economy, and the supply of coal.

(a) After the enactment of this Act no surface coal mining operations shall be permitted—

(1) on any lands within the boundaries of units of the National Park System, the National Wildlife Refuge Systems, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, including study rivers designated under Section 5 (a) of the Wild and Scenic Rivers Act, National Recreation Areas designated by Act of Congress; and any state park;

(2) on any Federal lands within the boundaries of any national forest; provided, however, that surface coal mining operations incident to underground coal mining operations may be permitted on such lands if the Secretary of Interior finds that there are no significant recreational, timber, economic, or other values which may be incompatible with such surface mining operations and surface operations and impacts are incident to an underground coal mine;

(3) which will adversely affect any publicly owned park or places included in the National Register of Historic Sites unless approved jointly by the Regulatory Authority and the Federal, State, or local agency with jurisdiction over the park of the historic site;

(4) within three hundred feet of the outside right-of-way line of any public road, except where mine access roads or haulage roads join such right-of-way line and except that the Regulatory Authority may permit such roads to be relocated or the area affected to lie within one hundred feet of such road, if after public notice and opportunity for public hearing in the locality a written finding is made that the interests of the public and the landowners affected thereby will be protected; or

(5) within five hundred feet from any occupied dwelling, unless waived by the owner thereof, nor within five hundred feet of any public building, school, church, community, or institutional building, public park, or within five hundred feet of a cemetery;

(6) within one thousand feet horizontally of the mean high water level of Lewis Smith Lake (with mean high water level shall be a topographic contour line corresponding to the spillway elevation of Lewis Smith Lake Dam); one thousand feet horizontally of the rim of Little River Canyon; one thousand feet horizontally on either side of the Little River and the East, Middle and West Forks of the Little River; and one hundred feet horizontally on either side of any tributary flowing into the Little River or the East, Middle or West Forks of the Little River.

SECTION 21. Water Rights and Replacement.

(a) Nothing in this Act shall be construed as affecting in any way the right of any person to enforce or protect, under applicable law, his interest in water resources affected by a surface coal mining operation.

(b) The operator of a surface coal mine shall replace the water supply of an owner of interest in real property who obtains all or part of his supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source where such supply has been affected by contamination, diminution, or interruption proximately resulting from such surface coal mine operation.

SECTION 22. Experimental Practices.

In order to encourage advances in mining and reclamation practices or to allow post-mining land use for industrial, commercial, residential, or public use (including recreational facilities), the Regulatory Authority with approval by the Secretary of Interior may authorize departures in individual cases on an experimental basis from the environmental protection performance standards promulgated under Sections 15 and 16 of this Act. Such departures may be authorized if (i) the experimental practices are potentially more environmentally protective, during and after mining operations, as those required by promulgated standards; (ii) the mining operations approved for particular land-use or other purposes are not larger or more numerous than necessary to determine the effectiveness and economic feasibility of the experimental practices; and (iii) the experimental practices do not reduce the protection afforded public health and safety below those provided by promulgated standards.

SECTION 23. Surface Mining Operations Not Subject to This Act.

The provisions of this Act shall not apply to any of the following activities:

(a) The extraction of coal by a landowner for his own noncommercial use from land owned or leased by him;

(b) For surface mining operations affecting two acres or less, the Regulatory Authority may waive certain requirements of this Act where those requirements will not affect the reclamation of the affected lands.

(c) The extraction of coal as an incidental part of Federal, State or local government-financed highway or other construction under regulations established by the Regulatory Authority.

SECTION 24. Availability of Records.

Any record, report or information obtained by the Regulatory Authority pursuant to this act shall be available to the public, except as provided elsewhere in this Act and except that upon a verified representation to the Regulatory Authority by an applicant, licensee or permittee that a record, report or information, or particular part thereof, to which the Regulatory Authority has access under this Act, if made public, would divulge production or financial data or methods, processes or production unique to the person or would otherwise tend to affect adversely the competitive position of the person, the Regulatory Authority may treat the record, report or information or particular portion thereof as confidential in the administration of this Act.

SECTION 25. Leases of Certain Lands.

The Regulatory Authority is hereby vested with the authority and responsibility of consulting with all institutions of this state which own lands or mineral interests relating to coal. The Regulatory Authority is hereby designated as the agency of the State of Alabama for reviewing and approving surface coal mining which such institution proposes to enter into. Upon submission of any such proposed lease, the Regulatory Authority shall, within forty-five (45) days, by order approve or disapprove such proposed lease.

SECTION 26. Reports of Certain Coal Sales.

Any person engaged in the business of coal brokering or operating a coal sales agency in the State of Alabama and each and every person, corporation or other legal entity operating an electric system for the sale of electric energy for resale, sale to the public or sale to its members and each and every industrial purchaser of coal in the State of Alabama shall report, on a form to be furnished by the Regulatory Authority, at intervals of not less than sixty (60) days, the name, address, license number and permit of the vendor of all coal purchased by it and the name and address of the vendee of all coal sold by it, since its last reporting period. In the event that any person named in the preceding sentence purchases coal mined outside of the State of Alabama, such facts shall be so noted on the form described above. Failure of the persons described in this section to render such reports shall constitute a misdemeanor punishable by fine of not more than five thousand (5,000.00); provided, that prior to instituting any such action, the Regulatory Authority, in the case of a first offense only, shall notify such person by certified or registered mail of the failure to comply with this provision of this Act and

shall afford such person not more than ten (10) days to furnish such report. Officers, employees and agents of the Regulatory Authority shall be permitted to inspect the records and books of the persons specified above to determine the accuracy of such reports, such inspection to take place at reasonable times. In no event shall the Regulatory Authority require disclosure of the amounts of any purchase or the purchase price paid for such coal or of any information other than that set forth above, except by specific subpoena in preparation for hearing or other enforcement action.

SECTION 27. Conflict of Interest.

No officer or employee of the Division performing any function or duty under this Act, no member of the Board of Appeals, nor the Director of the Department shall have a direct or indirect financial interest in underground or surface coal mining operations. Whoever knowingly violates the provisions of this Section shall, upon conviction, be punished by a fine of not more than Two Thousand, Five Hundred Dollars (\$2,500), or by imprisonment for not more than one year, or both, and shall be dismissed from any position with the Regulatory Authority.

SECTION 28. Alabama Surface Mining Reclamation Fund.

(a) All sums received through the payment of fees, the forfeiture of bonds, the recovery of civil penalties or appropriations by the legislature shall be placed in the State Treasury and credited to an open account designated as the Alabama Surface Mining Reclamation Fund.

This fund, which was established by Act No. 551, 1975 Regular Session, shall be available to the Regulatory Authority for expediture in the administration and enforcement of this Act, and training, reclamation and research programs; provided, that the proceeds from the forfeiture of any bond shall be used to the extent required by law in completing reclamation revegetation and abatement of water pollution in the area with respect to which the bond applies. Any unencumbered and any unexpended balance of this fund remaining at the end of any fiscal year shall not lapse, but shall be carried forward for the purposes of this Act until expended.

(b) There is authorized to be appropriated in the Alabama Surface Mining Reclamation Fund initially the current balance of that fund at the effective date of this Act and such other sums as may thereafter be appropriated by the legislature.

SECTION 29. Funding.

The Regulatory Authority shall make every effort to obtain maximum reimbursement from the Director of the Office of Surface Mining Reclamation and Enforcement for the costs of performing its duties under this Act.

SECTION 30. Abandoned Mine Reclamation

(a) The Regulatory Authority is authorized to develop and submit to the Secretary of Interior a State Reclamation Plan and annual projects to implement the purposes and administer the funds of the abandoned mined lands program.

(b) Lands and water eligible for reclamation or drainage abatement expenditures under this program are those which were mined for coal or which were affected by such mining, wastebanks, coal processing, or other coal mining processes, and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under other State or Federal laws.

(c) Where the Governor of the State of Alabama certifies that (1) objectives of the fund set forth in Section 29 have been achieved, (2) there is a need for construction of specific public facilities in communities impacted by coal development, (3) impact funds which may be available under provisions of the Federal Mineral Leasing Act of 1920, as amended, or Public Law 94-565 (90 Stat. 2662), are inadequate for such construction, and (4) the Secretary of Interior concurs in such certification, then the Secretary may continue to allocate all or part of the 50 per centum share of the Federal Abandoned Mine Reclamation Fund to the Regulatory Authority for such construction: provided, however, that if funds under this subsection have not been expended within three years after their allocation, they shall be available for expenditure in any eligible area as determined by the Secretary of Interior.

SECTION 31. Objectives of the Abandoned Lands Fund.

Expenditure of moneys from the fund on lands and water eligible pursuant to Section 29 for the purposes of this title shall reflect the following priorities in the order stated:

(a) the protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices;

(b) the protection of public health, safety, and general welfare from adverse effects of coal mining practices;

(c) the restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices including measures for the conservation and development of soil, water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity.

(d) research and demonstration projects relating to the development of surface mining reclamation and water quality control program methods and techniques;

(e) the protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation, and conservation facilities adversely affected by coal mining practices;

(f) the development of publicly owned land adversely affected by coal mining practices including land acquired as provided in this title for recreation and historic purposes, conservation, and reclamation purposes and open space benefits.

(g) the elimination of voids, and open and abandoned tunnels, shafts, and entryways resulting from any previous mining operation pursuant to funds obtained under Section 29(c).

SECTION 32. State Reclamation Program.

(a) The State Reclamation Plan shall generally identify the areas to be reclaimed, the purposes for which the reclamation is proposed, the relationship of the lands to be reclaimed and the proposed reclamation to surrounding areas, the specific criteria for identifying and ranking projects to be funded, and the legal authority and programmatic capability to perform such work in conformance with the provisions of this Act.

(b) On an annual basis, the Regulatory Authority may submit to the Secretary of Interior an application for the support of the State program and implementation of specific reclamation projects. Such annual application shall include such information as may be requested by the Secretary including:

- (1) a general description of each proposed project;
 - (2) a priority evaluation of each proposed project;
 - (3) a statement of the estimated benefits in such terms as: number of acres restored, miles of stream improved, acres of surface lands protected from subsidence; population protected from subsidence, air pollution, hazards of mine and coal refuse disposal area fires;
 - (4) an estimate of the cost for each proposed project;
 - (5) in the case of proposed research and demonstration projects, a description of the specific techniques to be evaluated or objective to be attained;
 - (6) an identification of lands or interest therein to be acquired and the estimated cost; and
 - (7) in each year after the first in which a plan is filed under this title, an inventory of each project funded under the previous year's grant: which inventory shall include details of financial expenditures on such project together with a brief description of each such project, including project locations, landowner's name, acreage, type of reclamation performed.
- (c) The costs for each proposed project under this section shall include: actual construction costs, actual operation and maintenance costs of permanent facilities, planning and engineering costs, construction inspection costs, and other necessary administrative expenses.
- (d) The Regulatory Authority shall not be required at the start of any project to submit complete copies of plans and specifications, but shall submit annual and such other reports as may be necessary.

SECTION 33. Acquisition and Reclamation of Land Adversely Affected by Past Coal Mining Practices.

(a) If the Regulatory Authority pursuant to an approved State program, makes a finding of fact that—

- (1) land or water resources have been adversely affected by past coal mining practices; and
- (2) the adverse effects are at a stage where, in the public interest, action to restore, reclaim, abate, control, or prevent should be taken; and
- (3) the owners of the land or water resources where entry must be made to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices are not known, or readily available; or
- (4) the owners will not give permission for the State of Alabama political subdivisions, their agents, employees, or contractors to enter upon such property to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices.

Then, upon giving notice by mail to the owners of known or if not known by posting notice upon the premises and advertising once in a newspaper of general circulation in the municipality in which the land lies, the Regulatory Authority, its agents, employees, or contractors pursuant to an approved State program, shall have the right to enter upon the property adversely affected by past coal mining practices and any other property to have access to such property to do all things necessary or expedient to restore, reclaim, abate,

control, or prevent the adverse effects. Such entry shall be construed as an exercise of the police power for the protection of public health, safety, and general welfare and shall not be construed as an act of condemnation of property nor of trespass thereon. The monies expended for such work and the benefits accruing to any such premises so entered upon shall be chargeable against such land and shall mitigate or offset any claim in or any action brought by any owner of any interest in such premises for any alleged damages by virtue of such entry; provided, however, that this provision is not intended to create new rights of action or eliminate existing immunities.

(b) The Regulatory Authority, its agents, employees, or contractors pursuant to an approved State program, shall have the right to enter upon any property for the purpose of conducting studies or exploratory work to determine the existence of adverse effects of past coal mining practices and to determine the feasibility of restoration, reclamation, abatement, control, or prevention of such adverse effects. Such entry shall be construed as an exercise of the police power for the protection of public health, safety, and general welfare and shall not be construed as an act of condemnation of property nor trespass thereon.

(c) The Regulatory Authority pursuant to an approved State program, may acquire any land, by purchase, donation, or condemnation, which is adversely affected by past coal mining practices if it determines that acquisition of such land is necessary to successful reclamation and that—

(1) the acquired land, after restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices, will serve recreation and historic purposes, conservation and reclamation purposes or provide open space benefits; and

(2) permanent facilities such as a treatment plant or a relocated stream channel will be constructed on the land for the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices; or

(3) acquisition of coal refuse disposal sites and all coal refuse thereon will serve the purposes of this Act or that public ownership is desirable to meet emergency situations and prevent recurrences of the adverse effects of past coal mining practices.

(d) Title to all lands acquired pursuant to this section shall be in the name of the State of Alabama. The price paid for land acquired under this section shall reflect the market value of the land as adversely affected by past coal mining practices.

(e) The Regulatory Authority is authorized to receive grants from the Secretary of Interior on a matching basis in such amounts as the Secretary deems appropriate for the purpose of carrying out the provisions of this program, but in no event shall any grant exceed 90 per centum of the cost of acquisition of the lands for which the grant is made.

(f) (1) Where land acquired pursuant to this section is deemed to be suitable for industrial, commercial, residential, or recreational development, the State may sell such land by public sale under a system of competitive bidding, at not less than fair market value and under such other regulations promulgated to insure that such lands are put to proper use, provided that the previous landowner shall have the first opportunity to purchase the land at its fair market value or the low bid, whichever is higher.

(2) The Regulatory Authority pursuant to an approved State program, when requested after appropriate public notice, shall hold a public hearing, with the appropriate notice, in the county or counties or the appropriate subdivisions of the State in which lands acquired pursuant to this section are located. The hearings shall be held at a time which shall afford local citizens and governments the maximum opportunity to participate in the decision concerning the use or disposition of the lands after restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices.

SECTION 34. Liens.

(a) Within six months after the completion of projects to restore, reclaim, abate, control, or prevent adverse effects of past coal mining practices on privately owned land, the State, pursuant to an approved State program, shall itemize the moneys so expended and may file a statement thereof in the office of the county in which the land lies which has the responsibility under local law for the recording of judgements against land, together with a notarized appraisal by an independent appraiser of the value of the land before the restoration, reclamation, abatement, control, or prevention of adverse effects of past coal mining practices if the moneys so expended shall result in a significant increase in property value. Such statement shall constitute a lien upon the said land. The lien shall not exceed the amount determined by the appraisal to be the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices. No lien shall be filed against the property of any person, in accordance with this subsection, who owned the surface prior to May 2, 1977, and who neither consented to nor participated in nor exercised control over the mining operation which necessitated the reclamation performed hereunder.

(b) The landowner may proceed as provided by local law to petition within sixty days of the filing of the lien, to determine the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices. The amount reported to be the increase in value of the premises shall constitute the amount of the lien and shall be recorded with the statement herein provided. Any party aggrieved by the decision may appeal as provided by local law.

(c) The lien provided in this section shall be entered in the county office in which the land lies and which has responsibility under local law for the recording of judgements against land. Such statement shall constitute a lien upon the said land as of the date of the expenditure of the moneys and shall have priority as a lien second only to the lien of real estate taxes imposed upon said land.

SECTION 35. Miscellaneous Powers for Abandoned Lands Program.

(a) The Regulatory Authority pursuant to an approved State Program, shall have the power and authority, if not granted it otherwise, to engage in any work and to do all things necessary or expedient, including promulgation of rules and regulations, to implement and administer the provisions of this program.

(b) The Regulatory Authority pursuant to an approved State program, shall have the power and authority to engage in cooperative projects under this title with any agency of the United States of America, any other State and their governmental agencies.

(c) The Regulatory Authority pursuant to an approved State program, may request the Attorney General, who is hereby authorized to initiate, in addition to any other remedies provided for in this Act, in any court of competent jurisdiction, an action in equity for an injunction to restrain any interference with the exercise of the right to enter or to conduct any work provided in this program.

(d) The Regulatory Authority pursuant to an approved State program, shall have the power and authority to construct and operate a plant or plants for the control and treatment of water pollution resulting from mine drainage. The extent of this control and treatment may be dependent upon the ultimate use of the water; provided, that the above provisions of this paragraph shall not be deemed in any way to repeal or supersede any portion of the Federal Water Pollution Control Act (33 U.S.C.A. 1151, et seq. as amended) and no control or treatment under this subsection shall in any way be less than that required under the Federal Water Pollution Control Act. The construction of a plant or plants may include major interceptors and other facilities appurtenant to the plant.

(e) The Regulatory Authority may transfer funds to other appropriate State agencies, in order to carry out the reclamation activities authorized by this program.

SECTION 39. Repealer.

(a) No part hereof shall be construed to repeal, or supersede an existing law specifically enacted for the control, abatement or prevention of pollution. Sections of The Alabama Surface Mining Act of 1969 (Regular Session 1969) are not repealed as to the regulation of the surface mining of clay, sand, gravel, ores, limestone, marble, dolomite, and other minerals. All laws enacted by the legislature or parts of such laws which are inconsistent with this Act are hereby repealed and specifically Sections 9-16-30, 9-16-31, 9-16-32, 9-16-35 and 9-16-36 of the Code of Alabama 1975.

(b) Any local act of the legislature in effect upon the date of enactment of this Act, or which may become effective thereafter, which provides for more stringent land use or environmental controls or regulations of surface coal mining and reclamation operation than do the provisions of this Act and P.L. 95-87 or any regulation issued pursuant thereto shall not be construed to be inconsistent with this Act.

SECTION 37. Severability.

The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 38. Effective Date.

This act shall become effective immediately upon:

(a) its passage and approval by the Governor, or upon its otherwise becoming a law; and

(b) upon the approval of the State Program by the Office of Surface Mining pursuant to Section 503 of P.L. 95-87, 30 U.S.C. § 1253 (1977).

SUBSTITUTE TABLED

On motion of Rep. Manley, the substitute No. 2 offered by Rep. Cheatwood to the bill, H. 630, was tabled.

Yeas 52; Nays 17.

Yeas:

Mr. Speaker, Adams (C), Amari, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cosby, Dial, Drinkard, Edwards, Gafford, Gregg, Grimsley, Grouby, Hammett, Harvey, Hines, Holley, Jackson, Johnson (R. G.), Kelley, Laird, Letson, McKee, Manley, Minus, Nevett, Olive, Owens, Pegues, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

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Nays:

Reps.: Albright, Blake, Bowling, Cobb, Crow, Ford, Hall, Harper (O), Johnson (Roy), Kennedy, Langford, Naramore, Rains, Smith (C), Trammell, Turner and Wyatt.

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RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Whatley:

H. R. 273. EXPRESSING APPRECIATION TO DR. PARK MCGHEE OF OPELIKA, ALABAMA.

H. 630 RESUMED

And the bill:

H. 630. To create a Department of Resource Development to consolidate, coordinate and administer environmental programs within the State; to provide that hearing officers within the Department will hear and decide appeals of Department actions and creates a Board of Appeals to review decisions of hearing officers and to hold public hearings.

To create the Division of Surface Mining Control and Reclamation within the Department of Resource Development to administer the State's regulatory program regarding surface coal mining activities in accordance with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87; to enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and to make the State eligible for federal funding to develop and implement programs to achieve these purposes.

To establish a state program of abandoned mine land reclamation pursuant to the Federal Surface Mining Control and Reclamation Act. To create the Division of Abandoned Mine Land Reclamation within the Department to administer the State reclamation program; to provide for an annual application procedure to the Secretary of Interior for the continued support of such

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state program; to implement specific reclamation projects; to provide for right of entry onto abandoned mine lands; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act. To repeal all laws or parts of laws which conflict with this Act.

As thus amended was read a third time at length and passed.

Yeas 52; Nays 25.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Clark (G), Cobb, Cosby, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hammett, Harvey, Hines, Holley, Johnson (R. G.), Kelley, Laird, McKee, Manley, Minus, Moore, Owens, Payne, Pegues, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (J), Starkey, Stewart, Stout, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—52

Nays:

Reps.: Blake, Boles, Bowling, Cheatwood, Crow, Goodwin, Greer, Hall, Harper (O), Horn, Johnson (Roy), Langford, Letson, Lewis, Mitchell, Naramore, Nevett, Olive, Penry, Rains, Seibels, Smith (C), Trammell, Turner and Wyatt.

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MOTION TO SUSPEND RULE LOST

The motion offered by Rep. Manley to suspend Rule 4(4) to permit the bill, H. 630 as amended, being other than a local or general bill of local application, to be sent to the Senate, was lost, lacking a four-fifths vote.

Yeas 48; Nays 37.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Clark (G), Cosby, Dial, Dixon, Drinkard, Edwards, Grimsley, Grouby, Hammett, Harvey, Hines, Holley, Johnson (R. G.), Kelley, Laird, Letson, McKee, Manley, Minus, Mitchell, Moore, Owens, Pegues, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (J), Starkey, Stewart, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—48

Nays:

Reps.: Albright, Blake, Boles, Bowling, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harper (O), Hilliard, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Lewis, Naramore, Nevett, Olive, Penry, Rains, Seibels, Smith (C), Stout, Trammell, Tucker, Turner and Wyatt.

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And the bill:

H. 909. To repeal Section 40-20-2 and Section 40-20-8, Code of Alabama 1975, as amended by Act 434, Acts of Alabama 1979, and to reenact Section 40-20-2 and Section 40-20-8 as the same existed prior to enactment of Act 434, Acts of Alabama 1979, and to further provide for the rate of severance tax on the production of oil and gas on wells from 15,000 to 15,800 feet in the smackover formation that come into production after September 1, 1979, to provide further for distribution of the proceeds of the increased tax and to provide certain exemptions from the increased rate.

Was taken up.

SUBSTITUTE OFFERED

Rep. Hines offered the following substitute to the bill, H. 909:

A BILL TO BE ENTITLED AN ACT

To amend further section 40-20-2 of the Code of Alabama 1975 relating to severance taxes on the production of oil and gas so as to provide further for the rate of such taxes on the production of oil and gas from certain wells in the smackover formation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-20-2 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 40-20-2. (a) There is hereby levied, to be collected hereafter, as herein provided, annual privilege taxes upon every person engaging or continuing to engage within the state of Alabama in the business of producing or severing oil or gas, as defined herein, from the soil of the waters, or from beneath the soil or the waters, of the state for sale, transport, storage, profit or for use. The amount of such tax shall be measured at the rate of six percent of the gross value of said oil or gas at the point of production. All wells producing less than 26 barrels of oil per day shall be taxed at the rate of four percent of the gross value of said oil or gas at the point of production. All wells that come into production after September 1, 1979, shall be taxed at the rate of four percent of the gross value of said oil or gas at the point of production for a period of 10 years after production begins. Ten years after production begins, such tax shall then be imposed at the rate of six percent on such wells that go into production after September 1, 1979; provided, that said additional increase shall be limited to those oil and gas wells from between 15,000 and 15,800 feet in the smackover formation.

"(b) The increase in such tax from four percent to six percent shall apply only on the production from those oil and gas wells from between 15,000 and 15,800 feet in the smackover formation.

"(b) (c) The tax is hereby levied upon the basis of the entire production in this state, including what is known as the royalty interest, on which production the amount of such tax shall be a lien, regardless of the place of sale or to whom sold, or by whom used, or the fact that the delivery may be made to points outside the state; and the tax shall accrue at the time such oil or gas is severed from the soil or the waters, or from beneath the soil or the waters, and in its natural, unrefined or unmanufactured condition.

"(e) (d) A county, city, town or municipality of the state of Alabama shall not establish, levy, impose or collect, as a condition of doing business or otherwise, any tax, fee, license or charge whatsoever, directly or indirectly, on or with respect to the production, treating, processing, ownership, sale, storage, purchase, marketing or transportation on any oil or gas produced in the state of Alabama and on which severance taxes have been paid to the state of Alabama, or upon the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas, or upon the ownership, operation or maintenance of plants, facilities, machinery, pipelines, gathering lines or any equipment whatsoever, which are, or may be, necessary or convenient to the production, treating, processing, ownership, storage, sale, purchase, marketing or transportation of such oil or gas; provided, that nothing herein shall be construed to prohibit, limit or restrict a county, city, town or municipality from imposing and collecting ad valorem taxes on any property, real or personal, not otherwise now exempted by law; further, the limitation herein imposed upon counties, cities, towns and municipalities shall not apply to any county, city, town or municipality which does not receive a share of the severance tax under the provisions of this article.

"(d) (e) Nothing contained herein shall be deemed to limit or to enlarge the authority of a county, city, town or municipality to levy taxes or licenses on oil refining facilities located therein or on the suppliers of services or goods not including oil or gas to those persons engaging in the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas. Any person who is a royalty owner shall be exempt from the payment of any increaser in taxes herein levied and shall not be liable therefor.

"(e) The privilege tax herein levied shall be absorbed and paid by those persons engaged in the business of producing or severing oil or gas only, and the producer shall not pass on the costs of such tax payments, either directly or indirectly, to the consumer, it being the express intent of this section that the tax herein levied shall be borne exclusively by the producer or severer of oil or gas."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Bedsole, Bennett, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Lewis, McMillan, Minus, Mitchell, Moore, Nevett, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Ward, Warren, Willis and Zoghby.

And the bill:

H. 909. To amend further section 40-20-2 of the Code of Alabama 1975 relating to severance taxes on the production of oil and gas so as to provide further for the rate of such taxes on the production of oil and gas from certain wells in the smackover formation.

As thus amended, was read a third time at length and passed.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Bennett, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, McMillan, Minus, Mitchell, Moore, Nevett, Owens, Payne, Pegues, Penry, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Warren and Willis.

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RULE SUSPENDED

Rule 4(4) was suspended to permit the bill, H. 909, being other than a local or general bill of local application, to be sent to the Senate.

And the bill:

H. 56. (With Amendment): To amend Section 37-1-11 of the Code of Alabama 1975, which relates to the compensation of the president and associate members of the Alabama Public Service Commission, so as to increase said compensation.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 56 in Section 1, line 25, by striking the figure "\$35,500.00" and inserting in lieu thereof the figure:

\$37,500.00

And the amendment was adopted.

Yeas 54; Nays 2.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Bennett, Biddle, Bowling, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Goodwin, Greer, Gregg, Grimsley, Hammett, Harper (O), Harvey, Johnson (R. G.), Kennedy, Laird, McKee, McMillan, Moore, Nevett, Olive, Pegues, Penry, Rains, Ray, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Willis and Zoghby.

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Nays: Reps. Gilmer and Payne.

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And the bill, H. 56 as thus amended, was read a third time at length and passed.

Yeas 37; Nays 21.

Yeas:

Mr. Speaker, Amari, Bennett, Bowling, Cabaniss, Campbell, Carothers, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Goodwin, Greer, Gregg, Hammett, Laird, McKee, McMillan, Moore, Pegues, Penry, Rains, Riddick, Roberts, Seibels, Starkey, Venable, Waggoner, Ward, Willis and Zoghby.

—37

Nays:

Reps.: Adams (H), Carter, Clark (W), Cobb, Ford, Gilmer, Harvey, Holley, Johnson (R. G.), Langford, Lewis, Mitchell, Nevett, Olive, Payne, Smith (C), Stewart, Turner, Warren, Williams and Wyatt.

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MOTION TO SUSPEND RULE LOST

The motion offered by Rep. McKee to suspend Rule 4(4) to permit the bill, H. 56, being other than a local or general bill of local application, to be sent to the Senate, was lost, lacking a four-fifths vote.

Yeas 40; Nays 30.

Yeas:

Mr. Speaker, Amari, Bennett, Bowling, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Goodwin, Greer, Gregg, Hammett, Hines, Johnson (R. G.), Kelley, McKee, McMillan, Mitchell, Moore, Owens, Pegues, Penry, Ray, Riddick, Sasser, Shoemaker, Starkey, Venable, Waggoner, Ward, Willis and Zoghby.

—40

Nays:

Reps.: Adams (H), Blake, Buskey, Carter, Clark (G), Clark (W), Cobb, Ford, Gilmer, Harper (O), Harvey, Holley, Horn, Kennedy, Laird, Langford, Lewis, Manley, Nevett, Payne, Rains, Roberts, Seibels, Smith (C), Stewart, Trammell, Turner, Warren, Williams and Wyatt.

—30

And the bill:

H. 125. To provide for restitution to victims of crimes by offenders, imposes penalties for default in payment by offenders; and provides for local restitution centers to be under the supervision of the department of pensions and security and the board of corrections.

Was taken up.

SUBSTITUTE OFFERED

Rep. Greer offered the following substitute to the bill, H. 125:

A BILL
TO BE ENTITLED
AN ACT

To provide for restitution to victims of crimes by offenders; imposes penalties for default in payment by offenders; and provides for local restitution centers to be under the supervision of the department of corrections and assisted by the department of pensions and security.

Be It Enacted by the Legislature of Alabama:

SECTION I. The legislature hereby finds, declares and determines that it is essential to the fair and impartial administration of justice that all perpetrators of criminal activity or conduct be required to fully compensate all victims of such conduct or activity for any pecuniary loss, damage or injury as a direct or indirect result thereof. The provisions of this act shall be construed so as to accomplish this purpose and to promote the same which shall be the public policy of this state.

SECTION II. As used in this act, the following words and terms shall have the meanings respectively ascribed by this section:

(a) "Criminal activities" shall mean any offense with respect to which the defendant is convicted or any other criminal conduct admitted by the defendant.

(b) "Pecuniary damages" shall mean all special damages which a person could recover against the defendant in a civil action arising out of the facts or events constituting the defendant's criminal activities and shall include, but not be limited to the money or other equivalent of property taken, broken, destroyed, or otherwise used or harmed and losses such as travel, medical, dental or burial expenses and wages lost including but not limited to wages lost as a result of court appearances.

(c) "Restitution" shall mean full, partial or nominal payment of pecuniary damages to a victim or its equivalent in services performed or work and labor done for the benefit of the victim.

(d) "Victim" shall mean any person whom the court determines has suffered direct or indirect pecuniary damages as a result of the defendant's criminal activities. "Victim" shall not include any participant in the defendant's criminal activities.

SECTION III. When a defendant is convicted of criminal activities or conduct which have resulted in pecuniary damages or loss to a victim, the court shall hold a hearing to determine the amount or type of restitution due the victim or victims of such defendant's criminal acts. Such restitution hearings shall be held as a matter of course and in addition to any other sentence which it may impose, the court shall order that the defendant make restitution or otherwise compensate such victim for any pecuniary damages. The defendant, the victim or victims or their representatives or the administrator of any victims estate as well as the District Attorney shall have a right to be present and heard upon the issue of restitution of any such hearing.

SECTION IV. In determining the manner, method or amount of restitution to be ordered the court may take into consideration the following:

(a) the financial resources of the defendant and the victim and the burden that the manner or method of restitution will impose upon the victim or the defendant.

(b) the ability of the defendant to pay restitution on an installment basis or on other conditions to be fixed by the court; and

(c) the rehabilitative effect on the defendant of the manner of restitution or the method of payment.

(d) any burden or hardship upon the victim as a direct or indirect result of the defendant's criminal acts.

(e) the mental, physical or financial well being of the victim.

SECTION V. At such restitution hearings, the defendant, victim, District Attorney or other party may object to the imposition, amount or distribution of restitution or the manner or method thereof and the court shall allow all such objections to be heard and preserved as a matter of record. The court shall thereafter enter its order upon the record stating its findings and the underlying facts and circumstances thereof.

SECTION VI. When a defendant is sentenced or ordered to make restitution, the court may order payment to be made forthwith to be paid as other fines and costs are made. The court may also order restitution to be made within a specified period of time or in specified installments as a condition of a suspension of execution of sentence or as a condition of probation.

SECTION VII. When a defendant is sentenced to a term of imprisonment, an order of restitution shall be enforceable during the period of imprisonment unless the court expressly finds that the defendant has no assets to pay all or part of the restitution so ordered, provided, however, that the District Attorney or the victim shall have the right to be heard on the issue of the defendant's assets for restitution purposes. In such event, the court shall determine restitution due the victim but shall suspend the payment thereof until the defendant has been released from imprisonment.

The court, however, may impose reasonable installments or other reasonable methods of restitution payment as a condition to the defendant being granted a pardon or parole or being placed on work release or being given or granted earned probation or any other form of release earlier than the original term of imprisonment imposed by the court.

SECTION VIII. When a defendant ordered to make restitution defaults in the payment thereof or of any installment, the court, on motion of the victim or the District Attorney, or upon its own motion, shall require the defendant to show cause why his default should not be treated as a violation of a condition of pardon, parole or probation, or of a condition of being placed on work release or as a condition of any other form of release earlier than the original term imposed at sentencing by the court. Unless the defendant shows the default was not attributable to an intentional refusal or neglect to obey the order of the court or to a failure to make a good faith effort to comply with the same, the court shall revoke such defendant's pardon, parole, probation, work release, or other form of early release and sentence such defendant to serve the original sentence as imposed by the court. Provided, however, the court shall credit such defendant with all actual time served and deduct such actual time served from the original term of imprisonment imposed.

SECTION IX. When an order of restitution is imposed upon a defendant which is a corporation, unincorporated association, partnership or other business entity, it shall be the duty of the person or persons authorized to

make disbursements from the assets of such defendant to make restitution from those assets and a failure to do so by such person or persons may be held to be in contempt of court unless a showing be made to the contrary as pursuant to the provisions of Section VIII.

Any corporation, unincorporated association, or other business entity which fails to make restitution as ordered by the court shall forfeit its rights to do business within the State of Alabama and its charter or other legal grant of the right to do such business may be dissolved by the court.

SECTION X. Whenever an offender in the custody of the department of corrections is paroled, placed on work release, earned probation or any other form of release, and when such offender has been sentenced to make restitution pursuant to Section III of this act but with respect to whom payment of all or a portion of the restitution was suspended until such release from imprisonment, the commissioner of the department of corrections shall notify the court wherein the defendant was sentenced that the defendant is about to be released and on what conditions if any such release will be granted. Prior to such release the court shall establish a schedule by which the payment of restitution may be made or resumed and shall order the payment of such restitution as an additional condition of release. In fixing the schedule and supervising the paroled inmate's performance thereunder, such judge shall consider the factors specified in Section III of this act.

SECTION XI. Nothing in this chapter limits or impairs the right of a person injured by a defendant's criminal activities to sue and recover damages from the defendant in a civil action. Evidence that the defendant has paid or been ordered to pay restitution pursuant to this act may not be introduced in any civil action arising out of the facts or events which were the basis for the restitution. However, the court shall credit any restitution paid by the defendant to a victim against any judgment in favor of the victim in such civil action.

If conviction in a criminal trial necessarily decides the issue of a defendant's liability for pecuniary damages of a victim, that issue is conclusively determined as to the defendant, if it is involved in a subsequent civil action.

SECTION XII. The county commissions of the several counties and the governing authorities of municipalities are hereby authorized to cooperate with the department of corrections in the establishment of restitution centers. Such centers shall be operated by the department of corrections. County or municipal property may be utilized with the approval of the county commission or municipal governing authority for the construction, renovation, and maintenance of facilities owned by the state or a local political subdivision. Such facility may be leased to the board of corrections for a period of time for use as a restitution center.

It is the intent of this section that county and local governments contribute only to the establishment, renovation, and maintenance of the physical plant of a restitution center and that the board of corrections support the operation of and have sole responsibility for offenders in such centers. Provided, however, no provision of this act shall operate so as to deprive a court of its power to revoke a defendant's release status for failure to make restitution pursuant to the provisions herein.

SECTION XIII. The department of pensions and security and the department of corrections are hereby authorized to cooperate in the institution and administration of services at restitution centers as authorized by Section XII of this act and at other facilities which provide opportunities for restitution for criminal acts.

The department of pensions and security and the department of corrections are authorized jointly or separately:

(a) to seek funding from federal or other sources to provide the maximum supportive services for offenders and the families of offenders who are participating in restitution programs;

(b) to develop additional programs whereby offenders may be afforded opportunities to contribute to society and the support of their families through restitution programs; and

(c) to develop pilot programs of counseling, training, and supervision for parolees whereby restitution may be accomplished; such programs may be residential or nonresidential as appropriate.

SECTION XIV. When a juvenile commits criminal activity or conduct which results in pecuniary damages or loss to a victim, the court may in its discretion order such juvenile to make restitution to such victim or victims in a manner or method acceptable to the parties. In addition to any other requirement the court may order such restitution to be paid out of the assets, if any, of such juvenile.

Should the court find that such juvenile's criminal activity or conduct be occasioned by or as a result of neglect by a parent or guardian, the court may order such parent or guardian to make restitution to such victim and may order that such parent's or guardian's assets be subject to a lien for the payment thereof.

When any adult is convicted of contributing to the delinquency of a minor and such minor's delinquency results in pecuniary damages or loss to a victim, such adult shall be ordered to make restitution as a condition of probation, parole, or any other type of early release.

SECTION XV. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION XVI. All laws or parts of laws which conflict with this act are hereby repealed.

SECTION XVII. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 58; Nays 0.

Yeas:

Reps.: Adams (H), Albright, Amari, Bedsole, Bennett, Blake, Boles, Buskey, Cabaniss, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Dial, Edwards, Ford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Horn, Johnson (R. G.), Kelley, Kennedy, Lewis, Manley, Mitchell, Moore, Nevett, Olive, Payne, Pegues, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Willis and Wyatt.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 412. To amend Section 22-26-7 of the Code of Alabama 1975, relating to certain land subdivided for single family residences so as to provide that where said land is subdivided into parcels containing any tracts five acres in size and larger, such size tracts shall not be subject to the requirement of taking a percolation test.

by a majority of the whole number elected to the Senate, said vote being Yeas 19, Nays 0.

And said Bill, H. B. 412, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being Yeas 22, Nays 0.

And said Bill, H. B. 412, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,
Secretary.

H. 125 RESUMED

And the bill:

H. 125. To provide for restitution to victims of crimes by offenders; imposes penalties for default in payment by offenders; and provides for local restitution centers to be under the supervision of the department of corrections and assisted by the department of pensions and security.

As thus amended, was read a third time at length and passed.

Yeas 69; Nays 0.

Yeas:

Reps.: Adams (H), Albright, Bedsole, Bennett, Blake, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (T), Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Owens, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Ward, Warren, Williams, Willis and Wyatt.

—69

RULE SUSPENDED

On motion of Rep. Greer, Rule 4(4) was suspended to permit the bill, H. 125 as amended, being other than a local or general bill of local application, to be sent to the Senate.

And the bill:

H. 752. To provide that the Department of Ophthalmology of the University of Alabama School of Medicine may train any employee of the Alabama Lions Eye Bank to enucleate donor eyes and to require any such

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employee to comply with the provisions of the Alabama Uniform Anatomical Gift Act and the standards and regulations promulgated by the Chairman of said Department, and to grant to the Chairman of the Department the power to promulgate regulations and standards to certify said employees.

Was taken up.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Johnson (Roy) to indefinitely postpone consideration of the bill, H. 752, was lost.

Yeas 37; Nays 45.

Yeas:

Reps.: Adams (H), Albright, Blake, Boles, Buskey, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Ford, Gilmer, Greer, Gregg, Hall, Harper (O), Harvey, Holley, Holmes, Horn, Johnson (Roy), Kennedy, Langford, Nevett, Olive, Owens, Patton, Penry, Rains, Seibels, Smith (M), Starkey, Trammell, Tucker and Turner.

—37

Nays:

Reps.: Adams (C), Amari, Barton, Bedsole, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Daniels, Dial, Dixon, Drinkard, Edwards, Grimsley, Grouby, Hammett, Harper (T), Hines, Johnson (R. G.), Kelley, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Pegues, Ray, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Stewart, Turnham, Venable, Waggoner, Warren, Williams, Willis and Zoghby.

—45

CO-SPONSOR ADDED

Rep. Grouby was added as co-sponsor to the bill, H. 752.

NOTICE IN WRITING

Rep. Cabaniss filed the following Notice in Writing:

NOTICE IN WRITING TO REVOKE HOUSE RULE 4(4)
FOR THE 28TH LEGISLATIVE DAY

Notice is hereby given in accordance with the House Rule 6, that on the next legislative day a motion will be made to revoke the operation of House Rule 4(4) for the 28th Legislative Day.

H. 752 RESUMED

MOTION TO POSTPONE TABLED

On motion of Rep. Dixon, the motion offered by Rep. Johnson (Roy) to postpone consideration of the bill, H. 752, to the twenty-ninth legislative day, was tabled.

Yeas 50; Nays 34.

Yeas:

Reps.: Adams (C), Barton, Bedsole, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Grouby, Hammett, Harper (T), Hines, Johnson (R. G.), Kelley,

Laird, Letson, McKee, Manley, Minus, Mitchell, Moore, Nevett, Patton, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

Nays:

Reps.: Adams (H), Albright, Amari, Blake, Boles, Buskey, Clark (W), Cobb, Coburn, Cooley, Cosby, Ford, Gilmer, Greer, Gregg, Grimsley, Hall, Harper (O), Harvey, Holley, Horn, Howard, Johnson (Roy), Kennedy, Langford, Lewis, Olive, Pegues, Rains, Smith (M), Trammell, Tucker and Wyatt.

—34

And the bill, H. 752, was read a third time at length and passed.

Yeas 67; Nays 18.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Grouby, Hall, Hammett, Harper (O), Harper (T), Hilliard, Hines, Horn, Howard, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—67

Nays:

Reps.: Adams (H), Boles, Buskey, Cobb, Coburn, Cooley, Ford, Greer, Gregg, Harvey, Holley, Johnson (Roy), Kennedy, Langford, Rains, Smith (M), Trammell and Turner.

—18

MOTION TO SUSPEND RULE LOST

The motion offered by Rep. Dixon to suspend Rule 4(4) to permit the bill, H. 752, being other than a local or general bill of local application, to be sent to the Senate, was lost, lacking a four-fifths vote.

Yeas 55; Nays 31.

Yeas:

Reps.: Adams (H), Amari, Bedsole, Bennett, Biddle, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Grouby, Hammett, Harper (T), Hines, Johnson (R. G.), Kelley, Laird, Letson, McKee, Manley, Minus, Mitchell, Moore, Nevett, Owens, Patton, Pegues, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—55

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Nays:

Reps.: Albright, Blake, Boles, Buskey, Clark (W), Cobb, Coburn, Cooley, Ford, Gilmer, Greer, Gregg, Grimsley, Hall, Harper (O), Harvey, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Olive, Rains, Smith (M), Trammell, Tucker and Turner.

—31

MOTION TO ADJOURN LOST

The motion offered by Rep. Holley that the House adjourn was lost.

Yeas 37; Nays 55.

Yeas:

Reps.: Boles, Buskey, Campbell, Carter, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Daniels, Edwards, Ford, Goodwin, Harper (O), Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Johnson (Roy), Laird, Letson, McKee, Minus, Nevett, Olive, Patton, Reed, Roberts, Smith (J), Trammell, Tucker, Williams and Willis.

—37

Nays:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Cabaniss, Carothers, Cates, Crow, Dial, Dixon, Drinkard, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Johnson (R. G.), Kelley, Kennedy, Lewis, McMillan, Manley, Mitchell, Moore, Naramore, Owens, Payne, Pegues, Penry, Rains, Ray, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Warren, Wyatt and Zoghby.

—55

SPECIAL ORDER RESUMED

And the bill:

H. 780. To amend Section 8-1-81 of the Code of Alabama 1975, which relates to the sale of pledges by pawnbrokers, so as to provide that such sales may be by either public auction or private sale.

Was taken up.

AMENDMENT OFFERED

Rep. Gregg offered the following amendment to the bill, H. 780:

In Section 1, page 1, lines 27, 28, and 29, strike through the following language, thusly:

after 10 days' notice thereof, given by advertisement in a newspaper published in the city or town where the pledge was made

AMENDMENT ADOPTED

Yeas 60; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Blake, Boles, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Laird, Letson, Lewis, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (M), Starkey, Stewart, Waggoner, Ward, Williams, Willis and Wyatt.

—60

And the bill, H. 780 as thus amended, was read a third time at length and passed.

Yeas 66; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Bedsole, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Johnson (R. G.), Kennedy, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Venable, Waggoner, Ward, Warren, Willis, Wyatt and Zoghby.

—66

RULE SUSPENDED

On motion of Rep. Gregg, Rule 4(4) was suspended to permit the bill, H. 780, being other than a local or general bill of local application, to be sent to the Senate.

MESSAGE FROM THE GOVERNOR

To The House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 744, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

MICHAEL D. WATERS,
Legal Advisor.

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Done this 1st day of May, 1980.

To The House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 744 without my signature and approval and with the following suggested Executive Amendment.

In Section 5, page 1, line 37, place a period (.) following "1979" and delete the remainder of line 37.

On page 2, delete lines 5 through 8 in their entirety.

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,
FOB JAMES,
Governor.

GOVERNOR'S MESSAGE

On motion of Rep. Bowling, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, said amendment being set out in the above and foregoing Message from the Governor.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Goodwin, Greer, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Johnson (R. G.), Kennedy, Laird, Letson, Lewis, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Patton, Pegues, Penry, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Turnham, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—67

And the bill:

H. 744. Relating to Winston County; to provide that the minimum salary of the chief clerks for the probate judge, sheriff, tax assessor and tax collector be set at \$750.00 per month to be paid in the same manner that such clerks are now being paid; to allow the county commission to authorize cost of living raises for such clerks; to give this act retroactive effect to October 1, 1979, and to make the bill effective upon the repeal of Amendment No. 255 of the State Constitution.

As thus amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Johnson (R. G.), Kennedy, Laird, Letson, Lewis, McMillan, Manley, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Penry, Ray, Roberts, Sasser, Seibels, Smith (C), Smith (J), Smith (M), Stewart, Turnham, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—65

SPECIAL ORDER RESUMED

And the bill:

H. 4. (With Amendment): To make unlawful the obtaining or attempting to obtain public housing accommodations by means of false statement or other fraudulent scheme or device; to define "Public Housing"; to require notice of the act on applications for public housing accommodations; and to prescribe punishment for violation.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 4, Section 1, on page 2 of said bill as follows:

Line 7

Strike the figure \$500.00 and insert in lieu thereof the following: \$300.00

Line 8

Strike the figure \$1,000.00 and insert in lieu thereof the following:
\$500.00

Line 9

Strike the words six months and insert in lieu thereof the following: sixty days

And the amendment was adopted.

Yeas 71; Nays 1.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Mitchell, Moore, Naramore,

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Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Warren, Williams, Willis and Wyatt.

—71

Nay: Rep. Hilliard.

—1

And the bill, H. 4 as thus amended, was read a third time at length and passed.

Yeas 78; Nays 1.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Boles, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Horn, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McMillan, Manley, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, Williams, Willis and Wyatt.

—78

Nay: Rep. Hilliard.

—1

RULE SUSPENDED

On motion of Rep. Lewis, Rule 4(4) was suspended to permit the bill, H. 4 as amended, being other than a local or general bill of local application, to be sent to the Senate.

And the bill:

H. 201. (With Amendment): To amend Section 12-16-122 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 201, on page 2, Section 2 of said bill to read as follows:

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law. but shall apply only to those individuals who are charged with the commission of a crime after the effective date of this act.

And the amendment was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford,

Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Johnson (R. G.), Kelley, Laird, Langford, Letson, Manley, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, Williams, Willis and Wyatt.

—69

And the bill, H. 201 as thus amended, was read a third time at length and passed.

Yeas 73; Nays 4.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Bedsole, Biddle, Blake, Boles, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Ward, Warren, Whatley, Williams and Willis.

—73

Nays: Reps.: Coburn, Hilliard, Holmes and Langford.

—4

RULE SUSPENDED

On motion of Rep. Sasser, Rule 4(4) was suspended to permit the bill, H. 201, being other than a local or general bill of local application to be sent to the Senate.

And the bill:

H. 202. (With Amendment): To amend Section 12-16-100 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 202, on page 2, Section 2 of said bill to read as follows:

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, but shall apply only to those individuals who are charged with the commission of a crime after the effective date of this act.

And the amendment was adopted.

Yesa 74; Nays 1.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Bedsole, Biddle, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin,

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—74

Nay: Rep. Hilliard.

—1

And the bill, H. 202 as thus amended, was read a third time at length and passed.

Yeas 70; Nays 7.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Biddle, Blake, Boles, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Johnson (R. G.), Kelley, Laird, Letson, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Willis.

—70

Nays:

Reps.: Buskey, Cheatwood, Coburn, Hilliard, Holmes, Langford and Nevett.

—7

RULE SUSPENDED

On motion of Rep. Sasser, Rule 4(4) was suspended to permit the bill, H. 202, being other than a local or general bill of local application, to be sent to the Senate.

And the bill:

H. 843. To provide for the appointment and removal of bank investigators by the governor and to specify the powers of bank investigators and the responsibilities of the employing bank.

Was read a third time at length and passed.

Yeas 76; Nays 3.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harrison, Harvey, Hilliard, Hines, Horn, Johnson (R. G.), Kelley, Laird, Letson, McMillan, Manley, Minus, Mitchell, Moore,

Naramore, Olive, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—76

Nays: Reps.: Cheatwood, Nevett and Wyatt.

—3

RULE SUSPENDED

On motion of Rep. Waggoner, Rule 4(4) was suspended to permit the bill, H. 843, being other than a local or general bill of local application, to be sent to the Senate.

RESOLUTION

The following resolution was introduced:

By Rep. Sandusky:

H. J. R. 274. URGING IMMEDIATE CONGRESSIONAL ACTION TO PROVIDE A LEVEL OF FUNDING ADEQUATE TO THE NEEDS OF THE STATES FOR HIGHWAY MAINTENANCE AND CONSTRUCTION.

WHEREAS, though aware that the State of Alabama stands not apart from its sister states in a constant and unrelenting erosion of its economy, the Alabama Legislature from personal viewpoint is painfully knowledgeable of Alabama's pressing need of adequate funds, not only to properly maintain existing roads and highways, but also to complete vital links in our nation's interstate highway systems; and

WHEREAS, even as inflation soars, highway funding at the federal level remains the same, and totally insufficient to the needs of the states; and

WHEREAS, the Federal Highway Administration faces a shortage of funds due to a cash flow problem created by large numbers of contractor estimates coming due during the months of June and July; and

WHEREAS, Congress must approve a supplemental appropriation of \$1.4 billion in order to alleviate this cash flow problem; and

WHEREAS, the delay in approving supplemental appropriation has in turn forced Alabama to delay awarding approximately \$80 million in desperately needed construction projects which are financed primarily with federal funds; and

WHEREAS, a further stay in approving supplemental appropriation may possibly force curtailment of construction projects previously awarded and on which work is currently progressing; and

WHEREAS, until supplemental appropriation is approved, Alabama can no longer move forward on projects scheduled for highway lettings in June and July; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most strongly urge the Alabama Congressional Delegation to use every effort available to have supplemental appropriation for the Federal Highway Administration approved as quickly as possible.

BE IT FURTHER RESOLVED, That the Clerk of the House, by copy of this resolution, notify each member of the Alabama Congressional Delegation of our urgent request for expediency in federal highway supplemental appropriation to the states.

On motion of Rep. Sandusky, the rules were suspended and the resolution, H. J. R. 274, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 642 (With Substitute): To prohibit at certain times of the year the use of airboats on any of the public waters of this State and to provide penalties therefor.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Natural Resources, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To provide that the conservation advisory board shall have the power to promulgate rules and regulations having the force and effect of law to regulate, including the authority to prohibit, the use of airboats on any of the public waters of this state; and to provide for penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. The conservation advisory board shall have the power to promulgate rules and regulations having the force and effect of law to regulate, including the authority to prohibit, the use of an airboat on any of the public waters of this state.

Section 2. Any person violating the provisions of the rules and regulations promulgated under the authority of this Act shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine of not less than \$100.00 nor more than \$500.00.

Section 3. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 62; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Barton, Bedsole, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Johnson (R. G.), Laird, Langford, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Roberts, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Warren, Williams, Willis and Zoghby.

AMENDMENT OFFERED

Rep. Naramore offered the following amendment to the bill, H. 642 as amended:

Amend H. B. 642 on page 2, Section 2, the following: at the end of section two "The provisions of this act shall not apply to Smith Lake, the Coosa River or the Tennessee River."

MOTION TO TABLE LOST

The Motion offered by Rep. McMillan to table the amendment offered by Rep. Naramore to the bill, H. 642 as amended, was lost.

Yeas 27; Nays 41.

Yeas:

Reps.: Adams (H), Barton, Bedsole, Buskey, Cabaniss, Carothers, Carter, Clark (W), Cobb, Ford, Hammett, Harper (T), Hines, Kennedy, McKee, McMillan, Mitchell, Olive, Owens, Penry, Ray, Smith (J), Smith (M), Stout, Turner, Venable and Williams.

—27

Nays:

Reps.: Albright, Amari, Bennett, Biddle, Blake, Boles, Bowling, Campbell, Cheatwood, Coburn, Cooley, Cosby, Gafford, Gilmer, Goodwin, Hall, Harper (O), Harvey, Hilliard, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Moore, Naramore, Nevett, Patton, Payne, Pegues, Rains, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Trammell, Waggoner and Zoghby.

—41

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Naramore to the bill, H. 642 as amended, and the amendment was adopted.

Yeas 44; Nays 28.

Yeas:

Reps.: Albright, Amari, Bennett, Biddle, Blake, Boles, Bowling, Cabaniss, Carothers, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Crow, Gafford, Gilmer, Goodwin, Greer, Hall, Harper (O), Harvey, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, Moore, Naramore, Nevett, Owens, Patton, Payne, Rains, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Stout, Trammell, Williams and Willis.

—44

Nays:

Mr. Speaker, Barton, Bedsole, Buskey, Carter, Clark (W), Cosby, Edwards, Grouby, Hammett, Harper (T), Hines, Kennedy, McKee, McMillan, Mitchell, Olive, Penry, Ray, Smith (J), Smith (M), Stewart, Turner, Venable, Ward, Warren, Whatley and Wyatt.

—28

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And the bill:

H. 642. To provide that the conservation advisory board shall have the power to promulgate rules and regulations having the force and effect of law to regulate, including the authority to prohibit, the use of airboats on any of the public waters of this state; and to provide for penalties for violations.

As thus amended, was read a third time at length and passed.

Yeas 52; Nays 24.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Blake, Boles, Bowling, Buskey, Campbell, Carothers, Carter, Clark (W), Cobb, Coburn, Crow, Daniels, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Hines, Howard, Kelley, Kennedy, Laird, McKee, McMillan, Mitchell, Naramore, Olive, Owens, Patton, Penry, Ray, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Stewart, Turner, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—52

Nays:

Reps.: Amari, Bennett, Biddle, Cabaniss, Clark (G), Cooley, Gafford, Gilmer, Goodwin, Harper (O), Harvey, Hilliard, Johnson (R. G.), Johnson (Roy), Moore, Payne, Pegues, Rains, Seibels, Smith (J), Smith (M), Stout, Trammell and Waggoner.

—24

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. McMillan to suspend Rule 4(4) to permit the bill, H. 642 as amended, being other than a local or general bill of local application, to be sent to the Senate was lost, lacking a four-fifths vote.

Yeas 49; Nays 26.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Blake, Bowling, Buskey, Carothers, Carter, Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Edwards, Ford, Greer, Grimsley, Grouby, Hammett, Harper (T), Hines, Howard, Kennedy, Laird, McKee, McMillan, Minus, Mitchell, Naramore, Olive, Owens, Penry, Ray, Roberts, Sandusky, Sasser, Smith (C), Stewart, Turner, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—49

Nays:

Reps.: Albright, Amari, Bennett, Biddle, Boles, Cheatwood, Clark (G), Cooley, Gafford, Gilmer, Goodwin, Hall, Harper (O), Harvey, Hilliard, Johnson (R. G.), Johnson (Roy), Kelley, Moore, Payne, Pegues, Rains, Seibels, Smith (M), Trammell and Waggoner.

—26

MOTION TO ADJOURN LOST

The motion offered by Rep. Holley that the House adjourn, was lost.

Yeas 25; Nays 62.

Yeas:

Reps.: Boles, Bowling, Buskey, Campbell, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Ford, Goodwin, Harvey, Hilliard, Holmes, Johnson (Roy), Langford, Letson, McKee, Nevett, Olive, Roberts, Smith (J) and Willis.

—25

Nays:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Cabaniss, Carothers, Carter, Cates, Cheatwood, Dial, Dixon, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Payne, Pegues, Penry, Rains, Ray, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams and Wyatt.

—62

SPECIAL ORDER RESUMED

And the bill:

H. 170. To amend Section 40-23-4 of the Code of Alabama 1975, as amended, so as to exempt the gross receipts of sales from state nurseries of forest tree seed and seedlings; in addition to forest tree seed and seedlings grown for commercial timber and game food purposes, *Lespedeza bicolor* and other species of perennial plant seed and seedlings grown and produced for outplanting as a source of game food are also exempted from taxation on the gross receipts from sales thereof.

Was read a third time at length and passed.

Yeas 48; Nays 31.

Yeas:

Mr. Speaker, Barton, Blake, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cosby, Crow, Dial, Dixon, Edwards, Gafford, Gilmer, Greer, Grimsley, Grouby, Hammett, Johnson (R. G.), Laird, McKee, McMillan, Manley, Minus, Mitchell, Owens, Pegues, Penry, Ray, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—48

Nays:

Reps.: Adams (C), Adams (H), Albright, Amari, Bennett, Boles, Buskey, Cheatwood, Cobb, Cooley, Drinkard, Ford, Goodwin, Hall, Harper (T), Hilliard, Holley, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Letson, Moore, Nevett, Olive, Rains, Seibels, Trammell, Tucker and Turner.

—31

MOTION TO SUSPEND RULE LOST

The motion offered by Rep. McKee to suspend Rule 4(4) to permit the bill, H. 170, being other than a bill of local or general bill of local application, to be sent to the Senate, was lost, lacking a four-fifths vote.

Yeas 51; Nays 31.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Crow, Dial, Dixon, Edwards, Greer, Grimsley, Grouby, Hammett, Johnson (R. G.), Kelley, Laird, Letson, McKee, McMillan, Manley, Minus, Mitchell, Owens, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—51

Nays:

Reps.: Adams (C), Albright, Bennett, Boles, Buskey, Cheatwood, Clark (W), Cobb, Cooley, Drinkard, Ford, Goodwin, Hall, Harvey, Hilliard, Holley, Holmes, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Naramore, Nevett, Olive, Payne, Rains, Seibels, Tucker, Turner and Turnham.

—31

And the bill:

H. 209. To amend Section 14-11-8, Code of Alabama 1975, which provides for introduction into or possession in penal institutions of drugs so as to make the introduction of marijuana a felony.

Was read a third time at length and passed.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hilliard, Holley, Holmes, Jackson, Johnson (R. G.), Kelley, Kennedy, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—83

Nay: Rep. Howard.

—1

RULE SUSPENDED

On motion of Rep. Venable, Rule 4(4) was suspended to permit the bill, H. 209, being other than a local or general bill of local application, to be sent to the Senate.

And the bill:

H. 813. To amend Act No. 247 of the Regular Session of the Legislature of Alabama of 1955 (Ala. Acts 1955, Vol. I, pp. 585-586) providing for a Telephone Revolving Fund in the Department of Finance, Division of Service, to be used to pay for the expenses of administering, maintaining and operating the State Central Telephone System in the City of Montgomery and the Alabama Centralized Telecommunications System in the State of Alabama and providing that each State department, board, bureau, commission, agency and institution using the aforesaid telephone systems shall pay its pro rata share of the aforesaid expenses.

Was read a third time at length and passed.

Yeas 79; Nays 3.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams and Willis.

—79

Nays: Reps.: Howard, Tucker and Wyatt.

—3

RULE SUSPENDED

On motion of Rep. Shoemaker, Rule 4(4) was suspended to permit the bill, H. 813, being other than a local or general bill of local application, to be sent to the Senate.

And the bill:

H. 814. (With Substitute): To amend Act No. 574 of the 1957 Regular Session of the Legislature of Alabama (Ala. Acts 1957, Vol. II, pp. 797-798) to authorize the Department of Finance, Division of Service Mail and Supply Room Revolving Fund to be used to purchase janitorial supplies, to provide that said revolving fund shall be reimbursed for the reasonable expenses incurred in administering and handling said supplies and postage, and to increase the appropriation to said revolving fund.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To amend Act No. 574 of the 1957 Regular Session of the Legislature of Alabama (Ala. Act 1957, Vol. II, pp. 797-798) to authorize the Department of Finance, Division of Service Mail and Supply Room Revolving Fund to be

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used to purchase janitorial supplies, to provide that said revolving fund shall be reimbursed for the reasonable expenses incurred in administering and handling said supplies and postage, and to increase the appropriation to said revolving fund.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created in the Department of Finance, Division of Service, a Revolving Fund for use by the Mail and Supply Room for the purchase of office supplies and materials, janitorial supplies, and other articles of use or necessity, and postage and stamps for use in the offices of all State departments, boards, bureaus, commissions and agencies.

Section 2. There is hereby appropriated to said Revolving Fund herein provided the sum of \$48,023.41 \$325,000 which is the current balance now used by said Department of Finance, Division of Service Mail and Supply Room for purchasing said office supplies, janitorial supplies, and postage and stamps for said State departments, and the additional sum of \$21,976.59 100,000 from any monies in the State Treasury not otherwise appropriated.

Section 3. That the said \$70,000 \$325,000 herein appropriated shall be designated as the Division of Service Mail and Supply Room Revolving Fund and shall be used only for the purpose of providing office supplies and materials and janitorial supplies and materials maintained in inventory in said Supply Room Rooms, and the postage and stamps provided in the Mail Room, and the reasonable expense incurred in administering and handling said supplies and postage, and the said Revolving Fund shall be reimbursed by payments made thereto for the said expenses incurred and for such material materials, supplies, postage and stamps as used and consumed by said departments upon proper billing therefor by the Chief of the Division of Service of the Department of Finance.

Section 4. The Revolving Fund hereby created shall remain in operation from year to year and shall be used solely and exclusively for the purpose of providing a method of payment for supplies and materials, postage, and stamps and reasonable administrative expenses by the Department of Finance, Division of Service. The funds provided herein shall not revert at the end of any fiscal year and the reimbursements from the State departments, boards, bureaus, commissions, and agencies and offices to the Revolving Fund shall be made monthly upon the receipt of the proper invoice therefor from the Division of Service.

Section 5. This Act shall become effective on October 1, 1980.

And the substitute was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Blake, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Owens, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Willis.

And the bill, H. 814 as thus amended, was read a third time at length and passed.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Blake, Boles, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Owens, Payne, Pegues, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—77

RULE SUSPENDED

On motion of Rep. Dial, Rule 4(4) was suspended to permit the bill, H. 814, being other than a local or general bill of local application, to be sent to the Senate.

And the bill:

H. 310. To amend Sections 25-8-2, 25-8-4, 25-8-5, 25-8-9, 25-8-11, 25-8-14, 25-8-16, 25-8-18, 25-8-23, 25-8-26, 25-8-28, and 25-8-30 of the Code of Alabama 1975, relating to the child labor law, so as to regulate further the employment of certain children and to prescribe additional penalties for violations.

With pending amendment offered by Rep. Shoemaker on the twenty-sixth legislative day, was taken up.

AMENDMENT ADOPTED

The amendment offered by Rep. Shoemaker was adopted.

Yeas 76; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Boles, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—76

Nay: Rep. Blake.

—1

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment to the bill, H. 310 as amended:

On page 3, line 16 by inserting a period after the word "scaffolding" and deleting the remainder of the sentence and line 18 by inserting a period after the word "trade" and deleting the remainder of the sentence.

And,

On page 4, line 37, by removing the period after the word "workers" and inserting the following: "or domestic service workers"

And,

On page 10, line 12, by deleting the figure "\$500" and inserting in lieu thereof the figure "\$250", and on line 13, by deleting the figure "\$1,000" and inserting in lieu thereof the figure "\$500"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—80

Nay: Rep. Turnham.

—1

And the bill:

H. 310. To amend Sections 25-8-2, 25-8-5, 25-8-9, 25-8-11, 25-8-14, 25-8-16, 25-8-18, 25-8-23, 25-8-26, 25-8-28, and 25-8-30 of the Code of Alabama 1975, relating to the child labor law, so as to regulate further the employment of certain children and to prescribe additional penalties for violations.

As thus amended, was read a third time at length and passed.

Yeas 78; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Boles, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Holley, Horn, Howard, Jackson, Johnson (R. G.),

Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Willis.

—78

Nay: Rep. Wyatt.

—1

RULE SUSPENDED

On motion of Rep. Shoemaker, Rule 4(4) was suspended to permit the bill, H. 310 as amended, being other than a local or general bill of local application, to be sent to the Senate.

And the bill:

H. 189. (With Substitute) (With Amendment): To amend the Uniform Standards Code of Mobile Homes Act codified into Sections 24-5-1 to 24-5-15, Code of Alabama 1975 to set up standards identical to those standards for mobile homes set up by the Federal Government.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Insurance, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To amend §§ 24-5-2, 24-5-3, 24-5-4, 24-5-5, 24-5-6, 24-5-7, 24-5-10, and 24-5-14, Code of Alabama 1975, which sections are part of the Uniform Standards for Mobile Homes Act, so as to establish the Federal Mobile Home Construction or Safety Standards of the National Mobile Home Construction and Safety Standards Act of 1974 as the applicable standard for mobile homes sold in this state, to repeal existing standards which are now in conflict with Federal standards, to repeal § 24-5-8, Code of Alabama relating to reciprocity of inspections, to repeal requirements that mobile home dealers and manufacturers purchase a bond as a prerequisite for obtaining a license under the Mobile Home Standards Act; to impose a civil or criminal misdemeanor penalty for violation of the Act; to provide that the Fire Marshall may enter into contracts with any private or public agency charged with the enforcement of the Federal regulations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 24-5-2, Code of Alabama 1975 is amended to read as follows:

"Section 24-5-2. Definitions.

Unless clearly indicated otherwise by the context, the following words when used in the Act, for purposes of this Act, shall have the meanings respectively ascribed to them in this section:

(1) "Mobile Homes" means a movable or portable dwelling over 32 feet in length and/or 8 feet or more in width, constructed to be towed on its own chassis, connected to utilities, and designed without a permanent foundation

for year round living. It can consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit.

(1) "Mobile Home" means a structure, transportable in one or more sections, which when erected on site measures eight body feet or more in width and thirty-two body feet or more in length, built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. A mobile home can be new or used and/or repossessed. A new mobile home is a mobile home which is still in the possession of the manufacturer, dealer or first purchaser of the mobile home. A used and/or repossessed mobile home is all other mobile homes.

(2) "Code" means the uniform standards code that meets the American National Standards Institute (ANSI), hereafter referred to as the "Institute", standards set up as minimum standards for the installation of plumbing, heat producing, and electrical systems and equipment, in mobile homes, to protect health and assure safety.

(2) "Uniform Standards Code" means the Federal Mobile Home Construction or Safety Standards promulgated pursuant to Section 604 of the National Mobile Home Construction and Safety Standards Act of 1974 published in Public Law 93-383 U.S.C. 5401 et. seq. as amended from time to time.

(3) "Construction" means the minimum requirements for materials, products, equipment and workmanship needed to assure health and safety standards for the public. The mobile home will provide (a) the structural strength and rigidity (b) the protection against corrosion, decay, insects and other similar destructive forces (c) resistance to the elements and (d) the durability and economy of maintenance.

(3) "Mobile home construction" means all activities relating to the assembly and manufacture of a mobile home including but not limited to those relating to durability, quality and safety.

(4) "Seal" means a device or insignia issued by the Alabama State Fire Marshal, certifying that the Uniform Standards Code for mobile homes has been complied with, will be attached to and displayed on the exterior of the mobile homes.

(4) "Label" means the approved form of certification by the manufacturer under the provisions of the National Mobile Home Construction and Safety Standards Act of 1974 that is permanently affixed to each mobile home or transportable section thereof, and which serves as the certification by the manufacturer of conformance with the applicable Federal mobile home construction and safety standards in effect the date of manufacture.

(5) "Manufacturer" means any person who manufactures mobile homes and shall include the "manufacturer", "factory branch", or "factory representative".

(6) "Dealer" means any person other than a manufacturer "as defined" who is duly licensed to sell mobile homes in this state.

(7) "Person" means a person, firm, partnership, company, corporation, or association engaged in manufacturing or selling of mobile homes.

(8) "Marshal" means the Alabama State Fire Marshal.

(9) "Department" means the office of the Alabama State Fire Marshal.

(10) "State Fire Marshals Fund" means that fund established to provide necessary revenue for the enforcement of this Act."

Section 2. Section 24-5-3, Code of Alabama 1975 is amended to read as follows:

"Section 24-5-3. Establishment and Amendment of Uniform Standards.

(a) All construction of mobile homes manufactured after March 20, 1972 after the effective date of this act sold or offered for sale in this state must meet the standards approved by the American National Standards Institute, which shall include standards for the installation of plumbing, heating and electrical systems in mobile homes in ANSI A 119.1 1971 and NFPA No. 501 B 1971, entitled Standards for Mobile Homes. of the Uniform Standards Code."

(b) The marshal may adopt and promulgate any changes in and additions to the standards referred to in subsection (a) of this section.

(c) In the event it becomes necessary to make changes in or additions to the standards adopted in subsection (a) of this section, the marshal, at least 30 days before adopting or promulgating any such changes or additions, shall mail to all manufacturers and dealers licensed in accordance with this article a notice, which shall include a copy of the proposed changes or additions and a designation of the time and place that the marshal will hear and consider any objections to the proposed changes or additions. The marshal shall afford any interested manufacturer or dealer an opportunity to be heard orally or in writing with respect to the proposed changes or additions. Following any such hearings, the marshal may adopt the proposed changes or additions, and such changes or additions shall become effective 60 days after such adoption. (Acts 1971, No. 1938, p. 3129 § 3.)

Section 3. Section 24-5-4, Code of Alabama 1975 is amended to read as follows:

"Section 24-5-4. Inspection or Approval by Marshal and Affixation of Seal and Certification of Manufacturer Prior to Sale or Offer for Sale of New Mobile Home.

(a) No person may sell or offer to sell in the state any new mobile home for use in this state manufactured after March 20, 1972 the effective date of this Act unless (1) it has been inspected and/or approved by the Marshal or his authorized representative the Marshal's seal a label of approval has been permanently affixed to the mobile home; and (2) it bears a certification by the manufacturer that the new mobile home to which the seal label is attached meets or exceeds the Uniform Standards Code."

Section 4. Section 24-5-5, Code of Alabama 1975 is amended to read as follows:

"Section 24-5-5. Issuance of Seals by Marshal, Manufacture of Mobile Homes Not Bearing Seal Label and Certification, Display of Seals and Certificates.

(a) Seals will only be issued by the marshal and/or his duly authorized representatives when applied for with an affidavit certifying that the person applying will not attach a seal to any mobile home that does not meet or exceed the Uniform Standards Code.

No person may manufacture in this state any mobile home after March 20, 1972 after the effective date of this Act, unless it bears a seal label and certification, certifying that the mobile home meets or exceeds the Uniform Standards Code."

(c) The seals and certificates as to each mobile home shall be displayed in a manner to be prescribed by the Marshal.

Section 5. Section 24-5-6, Code of Alabama 1975 is amended to read as follows:

"Section 24-5-6. Licenses for Sale of Mobile Homes; Bond.

(a) Any manufacturer or dealer within or without this state shall apply for a license to sell mobile homes in this state and shall certify in the application that the applicant will comply with the Uniform Standards Code.

(b) Applications will be obtained from and submitted to the Marshal.

(c) The original license fee shall be \$100.00 and the renewal fee shall be \$100.00 per annum. Each sales or manufacturing location shall be required to be licensed at the same rate and basis as others. The license shall be valid from January 1st of each year until December 31st of the year in which it was issued or until revoked as provided in this section.

(d) Before the marshal shall issue a license to a dealer within or without this state to sell mobile homes in this state, the marshal shall have on file from such dealer a bond for \$5,000.00 which shall protect the public against the sale of mobile homes in this state which do not meet the provisions of this article.

(e) The marshal shall not issue a license to a manufacturer within or without this state to sell mobile homes within this state until the marshal shall have on file such manufactured a bond for \$25,000.00 which shall protect the public against the sale and manufacture of mobile homes in this state which do not meet the provisions of this article.

(d) Any such license may be revoked or suspended by the marshal for the violation of the provisions of this article, or rules and regulations or standards or codes or specifications adopted pursuant hereto. The marshal shall notify the licensee in writing of the reasons why he intends to revoke or suspend the license, and the licensee shall be entitled to a hearing before the marshal within 10 days after receipt of such notice of intention to revoke or suspend. At such hearing the marshal shall consider the circumstances and shall give the licensee reasonable time, but not less than 30 days, to correct the conditions or circumstances that caused the notice of intention to revoke or suspend the license to be given."

Section 6. Section 24-5-7, Code of Alabama 1975 is amended to read as follows:

"Section 24-5-7. Sale of New Mobile Homes Without Seals Labels.

A new mobile home which does not bear the seal label required by this article shall not be offered for sale by any manufacturer or dealer anywhere within the geographical limits of this state." (Acts 1971, No. 1938, p. 3129, § 7.)

Section 7. Section 24-5-8, Code of Alabama 1975 relating to reciprocity of inspection of mobile homes is hereby repealed.

Section 8. Section 24-5-10, Code of Alabama 1975 is amended to read as follows:

"Section 24-5-10. Fees for Licenses and Seals, Authorization; State Fire Marshal's Fund.

(a) A license to sell to licensed dealers or to the public of this state shall be for \$100.00 original fee and the renewal fee shall be \$100.00 per annum renewable by the first day of each calendar year.

(b) A fee of \$10.00 shall be paid for each seal issued to any manufacturer as provided in this article.

(b) All fees shall be paid to the State Fire Marshal to provide necessary revenue for the enforcement of this Chapter. All fees collected under the provisions of this Chapter, or otherwise inuring to the credit of the fire marshal, shall be deposited in the State Treasury in a fund to be designated as the "State Fire Marshal's Fund", which fund is hereby established. All balances in said fund in excess of \$50,000.00 at the end of each fiscal year shall be transferred to the State General Fund. The expenses incurred by the State Fire Marshal in carrying out the provisions of this Act, together with the compensation of employees required to enforce this Act, shall be paid from this fund."

Section 9. Section 24-5-14, Code of Alabama 1975 is amended to read as follows:

"Section 24-5-14. Penalties.

It shall be unlawful for any person, on and after the effective date of this Act, to violate any of the provisions hereof, or of the rules and regulations of the Alabama State Fire Marshal and his department made pursuant hereto. Any person violating any of the provisions of this Act, or of said rules and regulations made thereunder shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$500.00 and/or six months in County Jail. Conviction may also be cause for cancellation of license to do business in this state.

(1) Whoever violates any provision of this Act or any regulation or order issued under the provisions of this Act shall be liable for a civil penalty of not to exceed \$1,000 for each such violation. Each violation of any section of the Act or regulation or order shall constitute a separate violation with respect to each mobile home or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed \$1,000,000 for any related series of violations occurring within one year from the date of the first violation. Before the Marshal shall impose a civil penalty he shall first advise the violator of his intention to do so and hold a hearing on said violation no sooner than two weeks after notification to the person of the Marshal's intent to impose civil penalties and the indicated violations.

(2) Any individual or a director, officer or agent of a corporation who knowingly and willfully violates any of the provisions set out in Sub-section (1) of this section, in a manner which threatens the health or safety of any purchaser shall be fined not more than \$1,000 or sentenced to the county jail for not more than one year or both.

(3) Any fines collected under the provisions of Sub-sections (1) and (2) of this section shall be paid into the Fire Marshal's Fund set up the provisions of this Act."

Section 10.

The Fire Marshal shall be authorized to enter into contracts with any private or public agency which is under contract with the United States Department of Housing and Urban Development to provide services in the enforcement of the Uniform Standards Code.

Section 11. Severability.

The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Blake, Boles, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cosby, Crow, Daniels, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Johnson (R. G.), Letson, Lewis, McMillan, Manley, Minus, Naramore, Olive, Owens, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Turnham, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—63

The question was then on the adoption of the amendment reported by the Standing Committee on Insurance, said committee amendment being as follows:

Amend Substitute H. B. 189 on line 21, page 2, by deleting the words "or used and/or repossessed". and inserting a period after the word "new" on line 21.

Further amend Substitute H. B. 189 on lines 23 and 24 by deleting the words "A used and/or repossessed mobile home is all other mobile homes".

And the amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cosby, Crow, Daniels, Dixon, Edwards, Gafford, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Horn, Johnson (R. G.), Letson, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Turnham, Ward, Warren, Williams, Wyatt and Zoghby.

—59

And the bill:

H. 189. To amend §§ 24-5-2, 24-5-3, 24-5-4, 24-5-5, 24-5-6, 24-5-7, 24-5-10, and 24-5-14, Code of Alabama 1975, which sections are part of the Uniform Standards for Mobile Homes Act, so as to establish the Federal Mobile Home Construction or Safety Standards of the National Mobile Home Construction and Safety Standards Act of 1974 as the applicable standard for mobile homes sold in this state, to repeal existing standards which are now in conflict with Federal standards, to repeal § 24-5-8, Code of Alabama relating to reciprocity of inspections, to repeal requirements that mobile home dealers and manufacturers purchase a bond as a prerequisite for obtaining a license under the Mobile Home Standards Act; to impose a civil or criminal misdemeanor penalty for violation of the Act; to provide that the Fire Marshal may enter into contracts with any private or public agency charged with the enforcement of the Federal regulations.

As amended, was read a third time at length and passed.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (T), Harrison, Harvey, Hines, Horn, Johnson (R. G.), Kelley, Kennedy, Letson, Lewis, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Turnham, Waggoner, Ward, Warren, Whatley, Wyatt and Zoghby.

—71

RULE SUSPENDED

On motion of Rep. Cabaniss, Rule 4(4) was suspended to permit the bill, H. 189 as amended, being other than a local or general bill of local application, to be sent to the Senate.

And the bill:

H. 185. (With Amendment): To amend § 27-12-7, Code of Alabama 1975 Willful making false statements, under oath, required under the Alabama Insurance Code a felony. To allow venue to be Montgomery County when the statement is required to be filed with the Commissioner of Insurance.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Insurance, said committee amendment being as follows:

Amend H. B. 185 as follows:

On page 2, line 11, between the words "shall" and "knowingly" insert the following words:

willfully and

And the amendment was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Payne, Pegues, Penry, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—75

AMENDMENT OFFERED

Rep. Turnham offered the following amendment to the bill, H. 185 as amended:

On page 1, delete lines 17 through 20 in their entirety and insert in lieu thereof:

To amend Section 27-12-7, Code of Alabama 1975, so that any statement which, under the law, is required to be made to the Commissioner of Insurance under oath, is willfully and falsely made, the penalty shall be a felony; and to provide the venue for the prosecution of this crime shall be Montgomery County, if the statement under oath was required to be filed with the Commissioner.

On page 2, on line 11 after the word "individual" insert: , including employees of the State Insurance Department,

On page 2, on line 13 after the word "Title" insert: or within the duties of their employment with the State Insurance Department

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—75

And the bill:

H. 185. To amend Section 27-12-7, Code of Alabama 1975, so that any statement which, under the law, is required to be made to the Commissioner of Insurance under oath, is willfully and falsely made, the penalty shall be a felony; and to provide the venue for the prosecution of this crime shall be Montgomery County, if the statement under oath was required to be filed with the Commissioner.

As thus amended, was read a third time at length and passed.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—82

RULE SUSPENDED

On motion of Rep. Cabaniss, Rule 4(4) was suspended to permit the bill, H. 185 as amended, being other than a local or general bill of local application, to be sent to the Senate.

And the bill:

H. 179. To amend § 27-27-40 so that both stock and mutual insurers shall be treated equally and in the same manner, with the use of surplus notes, to prohibit the value of surplus notes to be the single standard in valuing assets.

Was read a third time at length and passed.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Daniels, Drinkard, Edwards, Gafford, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—75

RULE SUSPENDED

On motion of Rep. Cabaniss, Rule 4(4) was suspended to permit the bill, H. 179, being other than a local or general bill of local application, to be sent to the Senate.

And the bill:

H. 178. To amend § 27-2-16, Code of Alabama 1975 so as to repeal a requirement the Commissioner of Insurance publish an annual list of insurance agents and insurers.

Was read a third time at length and passed.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Willis, Wyatt and Zoghby.

—80

RULE SUSPENDED

On motion of Rep. Cabaniss, Rule 4(4) was suspended to permit the bill, H. 178, being other than a local or general bill of local application, to be sent to the Senate.

And the bill:

H. 398. (With Amendment): To amend Sections 11-43-189 and 11-43-190 of the Code of Alabama 1975, as amended, relating to civil service merit systems for law enforcement officers.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 398 on page 1, in Section 2, on line 35 after the word "census" and the period by striking therefrom the sentence, "After October 1, 1981, this article shall apply to all municipalities regardless of their population."

And the amendment was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (W), Cobb, Coburn, Crow, Daniels, Dial, Dixon, Drinkard,

Edwards, Ford, Gilmer, Goodwin, Grouby, Hall, Hilliard, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, Minus, Mitchell, Moore, Naramore, Olive, Owens, Penry, Ray, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—64

And the bill, H. 398 as thus amended, was read a third time at length and lost.

Yeas 28; Nays 43.

Yeas:

Reps.: Albright, Amari, Blake, Boles, Bowling, Carothers, Cheatwood, Cobb, Coburn, Gafford, Goodwin, Greer, Hall, Howard, Johnson (Roy), Lewis, Moore, Naramore, Olive, Patton, Riddick, Smith (M), Stewart, Trammell, Tucker, Warren, Williams and Wyatt.

—28

Nays:

Mr. Speaker, Adams (C), Adams (H), Barton, Cabaniss, Campbell, Carter, Clark (G), Cosby, Crow, Daniels, Dial, Edwards, Gilmer, Grouby, Hammett, Harper (O), Harper (T), Holley, Johnson (R. G.), Kelley, Laird, Letson, McMillan, Manley, Minus, Payne, Pegues, Penry, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Turner, Turnham, Venable, Whatley and Willis.

—43

MOTION TO ADJOURN LOST

The motion offered by Rep. Clark (G) that the House adjourn, was lost.

Yeas 34; Nays 53.

Yeas:

Mr. Speaker, Biddle, Boles, Buskey, Campbell, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Edwards, Goodwin, Grimsley, Harper (O), Harvey, Hilliard, Howard, Johnson (Roy), Laird, Letson, Manley, Nevett, Olive, Owens, Penry, Sasser, Smith (J), Trammell, Tucker, Williams and Willis.

—34

Nays:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Cabaniss, Carothers, Carter, Cates, Dial, Dixon, Gafford, Greer, Gregg, Grouby, Hall, Hammett, Harper (T), Harrison, Holley, Johnson (R. G.), Kelley, Langford, Lewis, McMillan, Minus, Mitchell, Moore, Naramore, Patton, Payne, Pegues, Ray, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Wyatt and Zoghby.

—53

SPECIAL ORDER RESUMED

And the bill:

H. 686. To propose an amendment to the Constitution of Alabama 1901; to provide that the legislature may pass laws to provide for the termination of alimony upon the remarriage of the spouse receiving the alimony or upon such spouse living openly or cohabiting with a member of the opposite sex; and to provide that such laws may be made to apply retrospectively.

Was read a third time at length and passed.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Blake, Boles, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—75

RULE SUSPENDED

On motion of Rep. Gafford, Rule 4(4) was suspended to permit the bill, H. 686, being other than a local or general bill of local application, to be sent to the Senate.

And the bill:

H. 19. To amend Section 17-6-1 of the Code of Alabama 1975 relating to election officers so as to exclude members of a candidate's immediate family or any member of a candidate's political committee as prescribed by Section 17-22-5 of the Code of Alabama 1975 from serving as poll workers or election officials.

Was read a third time at length and passed.

Yeas 59; Nays 6.

Yeas:

Reps.: Adams (C), Amari, Barton, Bedsole, Blake, Bowling, Cabaniss, Carothers, Carter, Cates, Clark (W), Coburn, Cosby, Crow, Dixon, Edwards, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Johnson (R. G.), Johnson (Roy), Langford, Letson, McMillan, Manley, Mitchell, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Roberts, Sandusky, Seibels, Smith (C), Smith (J), Smith (M), Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—59

Nays: Mr. Speaker, Campbell, Gafford, Laird, Minus and Moore.

—6

RULE SUSPENDED

On motion of Rep. Bennett, Rule 4(4) was suspended to permit the bill, H. 19, being other than a local or general bill of local application, to be sent to the Senate.

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Bennett voting "Yea" on the bill, H. 19.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 412. To amend Section 22-26-7 of the Code of Alabama 1975, relating to certain land subdivided for single family residences so as to provide that where said land is subdivided into parcels containing any tracts five acres in size and larger, such size tracts shall not be subject to the requirement of taking a percolation test.

And finds same correctly enrolled with Executive Amendment.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

S. 466. To amend Section 22-28-23, Code of Alabama 1975, (Alabama Air Pollution Control Act) in order to remove the authority of municipal governing bodies to exercise air pollution control jurisdiction over agricultural and farming operations conducted within the corporate limits or police jurisdiction of such municipality.

Was read a third time at length and passed.

Yeas 55; Nays 8.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Blake, Boles, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gilmer, Grimsley, Hall, Hammett, Harper (O), Harvey, Hines, Holley, Horn, Howard, Johnson (R. G.), Laird, Langford, Letson, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Pegues, Penry, Ray, Sasser, Seibels, Shoemaker, Smith (C), Stewart, Trammell, Turner, Venable, Warren, Williams, Willis and Wyatt.

Nays:

Reps.: Adams (C), Albright, Cobb, Gregg, Johnson (Roy), Payne, Riddick and Smith (M).

—8

MOTION TO ADJOURN LOST

The motion offered by Rep. Holley that the House adjourn, was lost.

Yeas 41; Nays 42.

Yeas:

Mr. Speaker, Albright, Barton, Boles, Bowling, Buskey, Campbell, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Crow, Daniels, Edwards, Goodwin, Hall, Harper (O), Harvey, Hilliard, Hines, Holley, Howard, Jackson, Johnson (Roy), Kennedy, Laird, Langford, Letson, Manley, Minus, Nevett, Olive, Penry, Smith (J), Trammell, Tucker, Turner, Warren, Williams and Willis.

—41

Nays:

Reps.: Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Cabaniss, Carothers, Carter, Cates, Cosby, Dial, Dixon, Gafford, Greer, Gregg, Grimsley, Hammett, Harper (T), Johnson (R. G.), Lewis, McMillan, Mitchell, Moore, Naramore, Patton, Payne, Pegues, Ray, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Turnham, Venable, Waggoner and Wyatt.

—42

SPECIAL ORDERED RESUMED

And the bill:

H. 555. To authorize and make provision for any municipality or any department, board, bureau, commission or agency of any municipality, whether incorporated or not, or any municipal public corporation incorporated with the approval of, or the directors of which are elected or appointed by the governing body of any municipality, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to, another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each municipality and each such municipal public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations; to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurors and fiduciaries and others; to exempt such obligations from taxation; and to authorize municipalities and such municipal public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates on indebtedness issued by such municipality or such municipal public corporation under authority of laws other than this act.

Was read a third time at length and passed.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Clark (G), Clark (W), Crow, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hilliard, Holley, Horn, Howard, Johnson (R. G.), Kennedy, Laird, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Waggoner, Ward, Whatley, Williams and Willis.

—67

RULE SUSPENDED

On motion of Rep. Stout, Rule 4(4) was suspended to permit the bill, H. 555, being other than a local or general bill of local application, to be sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. St. John:

S. 305. To provide for a durable power of attorney that may survive incompetency or until actual knowledge of death of the principal.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 305. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Callahan:

S. 382. To amend Section 18-1-17 of the Code of Alabama 1975 relating to assessment of damages and compensation in certain eminent domain proceedings so as to prescribe procedure for assessing damages and awarding compensation on properties that have been damaged by certain natural disasters.

Also:

By Mr. Teague:

S. 590. To amend Section 1 of Act No. 587, S. 659, Regular Session 1978 (Acts of Alabama 1978, p. 691) making an appropriation from the Alabama Special Educational Trust Fund to the Alabama Institute for the Deaf and Blind for capital outlay purposes so as to provide that certain funds may be transferred to the general fund of the Alabama Institute for the Deaf and Blind and may be expended for purposes other than capital outlay purposes.

By Messrs. Mitchem, Lemaster and Cook:

S. 357. To authorize and provide for the incorporation of the Alabama Housing Finance Authority for the purpose of making available at lower interest rates funds for the financing of single and multi-family dwelling units for low and moderate income families; to provide for the members, officers and directors of the Authority; to provide for the powers, authorities and duties of the Authority and its board of directors; to provide for the appointment of a committee advisory to the board of directors; to authorize the Authority to purchase notes and other instruments evidencing indebtedness secured by mortgages, deeds of trust, and other instruments granting security interests in such single and multi-family dwelling units for low and moderate income families and to make loans to mortgage lenders for making such loans; to authorize the Authority to foreclose such mortgages, deeds of trust, or other security interests and exercise all other rights in the enforcement thereof and in realizing upon the security provided thereby; to authorize the Authority to make contracts with others for the origination and servicing of such loans represented by notes or other instruments evidencing such loans; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable out of the revenues and property of the Authority; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority to the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on property of the Authority; to provide for the employment by the Authority of such employees and agents as its business may require; to provide for the taking out by the Authority of various types of insurance and the creation of various reserves; to provide for the investment of the funds of the Authority; to authorize the sale or conveyance by the Authority of any of its properties; to provide for the use of the proceeds of any such securities issued by the Authority; to provide for the refunding of securities theretofore issued by the Authority; to provide that the Authority may not issue bonds (other than refunding bonds) subsequent to December 31, 1982, except as authorized by Act of the Legislature regularly enacted into law; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for various governmental bodies and fiduciaries; to provide for the applicability of certain provisions of the Alabama Uniform Commercial Code to certain transactions entered into by the Authority; to exempt the property and income of the Authority and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Authority is a party, from all taxation in the State; to exempt the

Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to judges of probate; to exempt the Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt the Authority from all laws of the State requiring competitive bids for contracts to be entered into by public corporations; to exempt the Authority from the supervision and control of any State agency; to provide for the disposition of the earnings, if any, of the Authority; and to provide that members of the board of directors of the Authority shall disclose potential conflicts of interest and refrain from participating in actions or proceedings in which they have an interest.

Also:

By Messrs. deGraffenried, Mitchem, Martin, Harrison, Holmes, Robertson, Kirkland, Hall, Miller, Teague, Little, Smith and Britnell:

S. 234. Relating to meetings of certain public bodies; to forbid closed, secret or executive meetings except in certain circumstances; to require minutes of secret meetings and allow court accessibility to said minutes; to define "governing body" and "meeting"; to provide for reasonable public notice of meetings; to ensure that proceedings of meetings are open to the public; to provide criminal penalties and a civil remedy for violations hereof; to repeal Section 13-5-1, Code of Alabama 1975, and other conflicting laws.

Also:

By Mr. Vacca:

S. 496. To provide for bringing certain employees of the disability determination division of the state department of education into the classified service of the state merit system.

Also:

By Mr. St. John:

S. 509. To amend Section 13A-5-31 of the Alabama Criminal Code, previously Section 13-11-2 of the Code of Alabama 1975, relating to aggravated offenses for which death penalty to be imposed, so as to adapt the language relating to the classification of offenses to the more recent language contained in the Alabama Criminal Code as enacted in 1977.

Also:

By Mr. Gulledge:

S. 512. To amend Section 1-3-8 of the Code of Alabama 1975, relating to state holidays and providing for bank closings on certain holidays so as to change the date on which state banks may be closed in observance of National Memorial Day.

Also:

By Mr. Callahan:

S. 179. To amend Section 16-13-146, Code of Alabama 1975, which limits the amount of interest to 6% per year on loans made by county and city boards of education, so as to raise this amount to 8% per year.

Also:

By Mr. Cook:

S. 374. To amend §§ 24-5-2, 24-5-3, 24-5-4, 24-5-5, 24-5-6, 24-5-7, 24-5-10, and 24-5-14, Code of Alabama 1975, which sections are part of the Uniform Standards for Mobile Homes Act, so as to establish the Federal Mobile Home Construction or Safety Standards of the National Mobile Home Construction and Safety Standards Act of 1974 as the applicable standard for mobile homes sold in this state, to repeal existing standards which are now in conflict with Federal standards, to repeal § 24-5-8, Code of Alabama relating to reciprocity of inspections, to repeal requirements that mobile home dealers and manufacturers purchase a bond as a prerequisite for obtaining a license under the Mobile Home Standards Act; to impose a civil or criminal misdemeanor penalty for violation of the Act; to provide that the Fire Marshal may enter into contracts with any private or public agency charged with the enforcement of the Federal regulations.

Also:

By Mr. Cook:

S. 376. To amend Sections 27-2-21 and 27-10-31, Code of Alabama 1975 allowing the Commissioner of Insurance to examine surplus line brokers in the same manner as an insurer; to allow the surplus line broker to offset from his tax the cost of such examination.

Also:

By Mr. Cook:

S. 375. To amend § 27-2-31, Code of Alabama 1975 extending the immunity from civil liability of the Commissioner of Insurance for negligent acts on his part in performing his required and discretionary duties.

Also:

By Mr. Bailey:

S. 141. To amend § 36-7-21, Code of Alabama 1975 to exempt certain examiners of the State Department of Insurance in examinations of insurers conducted outside of the State of Alabama.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 382. Judiciary.
- S. 590. Ways and Means.
- S. 357. State Administration.
- S. 234. State Administration.
- S. 496. Ways and Means.
- S. 509. Judiciary.
- S. 512. Banking.
- S. 179. Ways and Means.

- S. 374. State Administration.
- S. 376. Insurance.
- S. 375. Insurance.
- S. 141. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Barron, Robertson, Martin, Keener, Holmes, Harrison, Little, Denton, Proctor, Hall and Kirkland:

S. 172. To provide salary increases for certain state employees and to appropriate funds therefor.

Also:

By Mr. Callahan:

S. 570. To amend Section 16-1-2 of the Code of Alabama, 1975 relating to partial payments so as to provide that partial and final payment to contractors on school building construction shall be made as provided on Public Work projects.

Also:

By Messrs. Britnell and Denton:

S. 252. To amend Section 36-26-35 of the Code of Alabama 1975 relating to the annual leave of state employees so as to further provide that annual leave shall be based on years of total service.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 172. Ways and Means.
- S. 570. Ways and Means.
- S. 252. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 815. To make further appropriations of State Funds for the fiscal year ending September 30, 1980.

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Also:

H. 534. To make appropriations for the support and maintenance of the Marion Military Institute.

Also:

H. 535. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Also:

536. To make appropriations for the support and maintenance of the Talladega College.

Also:

H. 537. To make appropriations for the support and maintenance of the Walker County Junior College.

Also:

H. 538. To make appropriations for the support and maintenance of the Tuskegee Institute.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 219. EXPRESSING APPRECIATION TO THE ROTUNDA TELEPHONE OPERATORS FOR THEIR COURTEOUS ASSISTANCE TO MEMBERS OF THE LEGISLATURE.

Also:

H. J. R. 233. COMMENDING THE "PRIDE OF THE SOUTH", THE DALEVILLE HIGH SCHOOL BAND.

Also:

H. J. R. 234. RECOGNIZING THE OUTSTANDING JUNIOR R.O.T.C. PROGRAM OF DALEVILLE HIGH SCHOOL.

Also:

H. J. R. 239. COMMENDING DR. O. S. GUMBS, GRAND POLEMARCH OF KAPPA ALPHA PSI.

Also:

H. J. R. 241. COMMENDING DOCTOR O. R. GRIMES OF GADSDEN ON FIFTY YEARS OF DEDICATED SERVICE TO HIS PROFESSION.

Also:

H. J. R. 242. COMMENDING MR. FRANK HELDERMAN, SR., RECIPIENT OF THE WILLIAM CRAWFORD GORGAS AWARD.

McDOWELL LEE,
Secretary.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:45 P.M. on May 1, 1980.

H. 82

Delivered to the Governor at 1:15 P.M. on May 1, 1980.

H. J. R. 245

H. J. R. 247

H. J. R. 251

H. 724

Delivered to the Governor at 2:00 P.M. on May 1, 1980.

H. 575

H. 758

H. 759

H. 792

H. 809

H. 858

H. 919

H. 920

H. 921

H. 923

H. 949

H. 963

H. 970

H. 978

H. 979

H. 986

H. 987

H. 993

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1965

H. 994

H. 1010

Delivered to the Governor at 2:30 P.M. on May 1, 1980.

H. 48

H. 50

Delivered to the Governor at 2:55 P.M. on May 1, 1980.

H. J. R. 257

H. J. R. 258

H. J. R. 265

H. J. R. 269

H. J. R. 270

H. 115

Delivered to the Governor at 5:55 P.M. on May 1, 1980.

H. 412 (Executive Amendment)

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Warren and pursuant to the resolution, H. R. 254, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, May 6, 1980.

Yeas 48; Nays 45.

Yeas:

Mr. Speaker, Albright, Barton, Boles, Buskey, Campbell, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Edwards, Goodwin, Hall, Harper (O), Harvey, Hilliard, Hines, Holley, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Laird, Langford, Letson, Manley, Minus, Nevett, Olive, Patton, Payne, Penry, Sandusky, Sasser, Starkey, Stout, Trammell, Tucker, Turner, Ward, Warren, Williams and Willis.

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Nays:

Reps.: Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Bowling, Cabaniss, Carothers, Cates, Coburn, Dial, Dixon, Drinkard, Ford, Gafford, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Johnson (R. G.), Lewis, McMillan, Mitchell, Moore, Naramore, Owens, Pegues, Rains, Riddick, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Turnham, Venable, Waggoner, Whatley, Wyatt and Zoghby.

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TWENTY-EIGHTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, May 6, 1980

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Paul L. Whitlurs, Pastor, Pilgrim Rest AME Zion Church, Whistler, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-seventh legislative day and finds the same to be correct.

LEIGH PEGUES,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the twenty-seventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-seventh legislative day was approved.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 275. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Tuesday, May 6, 1980, we adjourn to meet again on Thursday, May 8, 1980, at 11:00 A.M.

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On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 275, was adopted.

Also:

By Rep. Manley:

H. R. 276. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House adjourns on Tuesday, May 6, 1980, all House Bills remaining on the House Calendar shall be Indefinitely Postponed at the hour of adjournment.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 276, was adopted.

Also:

By Rep. Manley:

H. R. 277. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the hour of 6:00 P.M. arrives on Tuesday, May 6, 1980, the House will stand in recess until 8:00 P.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 277, was adopted.

Also:

By Rules Committee:

H. R. 278. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business May 6, 1980, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Rep. McKee:

H. 618 p. \$2 Drug enforcement

By Rep. McKee:

H. 619 p. 91 Prohibits the carrying of firearms, alcoholic sales

By Rep. Turnham:

H. 1004 p. 6S Licensing, Board of General Contractors

By Rep. Johnson:

H. 271 p. 36 Prevailing wage

By Rep. Bennett:

H. 698 p. 121 Student Loan Program

By Rep. Harper (T):

H. 711 p. 67 Seafood

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By Rep. Harper (T):

H. 712 p. 67 Seafood

By Rep. Bennett:

H. 741 p. 103 Descent and distribution of property

By Rep. Turnham:

H. 542 p. 157 Energy

By Mr. Proctor:

S. 309 p. 125 University of Montevallo, endowment

By Mr. Holmes:

S. 354 p. 25S Gasohol

By Rep. Seibels:

H. 521 p. 137 Bingo

By Mr. Gullledge:

S. 200 p. 114 Constitutional amendment

By Rep. Kelley:

H. 312 p. 95 Cosmetology

By Mr. Britnell:

S. 1 p. 21S Retirement

By Rep. Bennett:

H. 113 p. 40 Property

By Rep. Campbell:

H. 222 p. 128 Military retirement

By Mr. Bailey:

S. 48 p. 94 Repeals 1% bid law

By Mr. Parsons:

S. 304 p. 8S Classified employees

By Rep. Carothers:

H. 682 p. 79 Surveyors

By Rep. Dial:

H. 1013 p. 2S Heating, Air Conditioning, Roofing and Sheet Metal

By Mr. White:

S. 318 p. 59S Rehabilitation

By Mr. Gullledge:

S. 38 p. 10S Banking

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By Mr. Bailey:

S. 360 p. 44S Survivors of firemen and peace officers

By Mr. Cook:

S. 107 p. 60S "Good-Time"

By Mr. White:

S. 501 p. 57S Hearing procedures, personnel

By Mr. Taylor:

S. 497 p. 13S Indigent patients

By Mr. Martin:

S. 508 p. 13S Federal funds, Public Accounts

By Mr. Little:

S. 116 p. 103 Descent and distribution of real estate of intestate

By Mr. Vacca:

S. 77 p. 2S Liquefied petroleum

By Mr. Martin:

S. 91 p. 22 Industrial Development Boards

By Mr. Mitchem:

S. 467 p. 14S Ala. Agricultural Development Authority

By Mr. White:

S. 587 p. 63S Board of Examiners, nursing home administrators

By Mr. Goodwin:

S. 484 p. 47S Airport authorities

By Mr. Mitchem:

S. 490 p. 64S Agriculture, minimum weights

By Mr. Proctor:

S. 401 p. 45S Alternate 4 month reporting period

By Mr. Callahan:

S. 339 p. 43S Minimum salary probate judges

By Mr. Smith:

S. 286 p. 61S Ala. Energy Management and Conservation Act

By Mr. Little:

S. 118 p. 93 Parent Locator's Office

By Mr. Vacca:

S. 2 p. 69 Ala. Rules of the Road Act

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By Mr. Martin:

S. 222 p. 17S Competitive bid law

By Mr. Teague:

S. 110 p. 86 Motor Vehicle Safety Responsibility Act

By Mr. Teague:

S. 111 p. 84 County Commissions

By Mr. Teague:

S. 323 p. 66 Marking of wire fish baskets and fish boxes

By Mr. Taylor:

S. 193 p. 58S Child labor law

By Mr. Taylor:

S. 197 p. 54S Alabama Unemployment Compensation Act

By Mr. Goodwin:

S. 196 p. 53S Alabama Unemployment Compensation Act

By Rep. Naramore:

H. 739 p. 79 Pistol permits

By Rep. McKee:

H. 55 p. 41 License inspectors

By Rep. Johnson (R. G.):

H. 491 p. 44 Drivers License

By Rep. Naramore:

H. 1111 p. 41S State/federal laws

By Rep. Waggoner:

H. 1136 p. 66S Riverchase, annexation

By Mr. Kirkland:

S. 367 p. 56S Burning permits

By Rep. Smith (J):

H. 612 p. 74 Tax assessors

By Rep. Greer:

H. 545 p. 55 P.O.W. car tags

By Rep. Mitchell:

H. 300 p. 53 State Board of Toxicology

By Mr. McDonald:

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S. 399 p. 44S Teacher retirement system

By Mr. Miller:

S. 246 p. 43S License plates

By Mr. Parsons:

S. 54 p. 9S State employees on retirement board

By Rep. Whatley:

H. 1080 p. 19S Inspection fee on fertilizer

By Rep. Bedsole:

H. 487 p. 20 Medicaid fraud

By Rep. Stewart:

H. 530 p. 53 Trains

By Rep. Dial:

H. 139 p. 50 Wrecking and towing

By Mr. St. John:

S. 535 p. 48S Arts and Humanities

By Mr. Pearson:

S. 434 p. 45S Youth Services Board

By Mr. Gulledge:

S. 44 p. 43 Engineer qualifications

By Rep. Smith (M):

H. 1009 p. 62 Grandfathers barbers

By Mr. deGraffenried:

S. 73 p. 35 Jury duty

By Rep. Adams (H):

H. 506 p. 83 Chert pits

By Mr. Harrison:

S. 152 p. 3S Transfer of contributions and creditable service

By Mr. Bailey:

S. 135 p. 65 Burial insurance

By Mr. Pearson:

S. 341 p. 62 Board of Trustees

By Mr. Bailey:

S. 139 p. 124 Insurance companies

By Rep. Bennett:

H. 741 p. 103 Intestate wills

By Rep. Zoghby:

H. 389 p. 68 Voter registration

By Rep. Bowling:

H. 745 p. 62 Miniatures

By Mr. Smith:

S. 203 p. 70S Nuclear Compact

By Mr. Gullledge:

S. 553 p. 49S Convention centers

By Rep. Smith (M):

H. 543 p. 44 Antitheft

By Rep. Smith (M):

H. 544 p. 92 Vehicle identification

By Rep. Ford:

H. 861 p. 97 Medal of Honor, tags

On motion of Rep. Pegues, the resolution, H. R. 278, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Pegues, Acting Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

S. J. R. 112. CREATING THE LAWRENCE COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

On motion of Rep. Pegues, the resolution, S. J. R. 112, was adopted.

Also:

S. J. R. 180. NAMING THE ALABAMA NATIONAL GUARD ARMORY, NOW UNDER CONSTRUCTION AT ARAB, ALABAMA, IN HONOR OF COLONEL WILBUR B. FOWLER, RETIRED.

On motion of Rep. Pegues, the resolution, S. J. R. 180, was adopted

Also:

S. J. R. 181. CREATING THE JOINT INTERIM COMMITTEE OF THE LEGISLATURE TO STUDY THE REORGANIZATION OF THE PUBLIC SERVICE COMMISSION.

On motion of Rep. Pegues, the resolution, S. J. R. 181, was adopted.

BILLS ON SECOND READING

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

S. 315. (With Substitute): To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

S. 540. (With Substitute): To provide a cost-of-living salary increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to appropriate such additional funds as may be necessary to pay such increase, also, additional funds to Athens State College and the Universities.

Rep Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 252. To amend Section 36-26-35 of the Code of Alabama 1975 relating to the annual leave of state employees so as to further provide that annual leave shall be based on years of total service.

S. 474. To amend Section 1 of Act No. 600, H. 1134 of the 1977 Regular Session (Acts 1977, Vol. II, p. 805), which act provides a pay increase for any law enforcement officer who has full peace officer authority, so as to extend eligibility to security and safety officers of the mental health department and to provide that such increases for such officers shall be paid from the mental health fund in the state treasury.

S. 570. To amend Section 16-1-2 of the Code of Alabama, 1975 relating to partial payments so as to provide that partial and final payment to contractors on school building construction shall be made as provided on Public Work projects.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 429. (With Amendment): To transfer funds from the state insurance fund to the credit of the state general fund and to appropriate such funds to be used only for medicaid; and to further provide for the transfer back of said funds from the state general fund to the state insurance fund by the state finance director with approval of the Governor.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 247. (With Amendment): To amend Section 12-12-31 of the Code of Alabama 1975 providing for small claims actions so as to provide that corporations may be represented by an officer or agent of such corporation other than an attorney.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 369. To provide for exemption of certain school days missed due to natural disasters.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 357. (With Amendment): To authorize and provide for the incorporation of the Alabama Housing Finance Authority for the purpose of making available at lower interest rates funds for the financing of single and multi-family dwelling units for low and moderate income families; to provide for the members, officers and directors of the Authority; to provide for the powers, authorities and duties of the Authority and its board of directors; to provide for the appointment of a committee advisory to the board of directors; to authorize the Authority to purchase notes and other instruments evidencing indebtedness secured by mortgages, deeds of trust, and other instruments granting security interests in such single and multi-family dwelling units for low and moderate income families and to make loans to mortgage lenders for making such loans; to authorize the Authority to foreclose such mortgages, deeds of trust, or other security interests and exercise all other rights in the enforcement thereof and in realizing upon the security provided thereby; to authorize the Authority to make contracts with others for the origination and servicing of such loans represented by notes or other instruments evidencing such loans; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable out of the revenues and property of the Authority; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority to the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on property of the Authority; to provide for the employment by the Authority of such employees and agents as its business may require; to provide for the taking out by the Authority of various types of insurance and the creation of various reserves; to provide for the investment of the funds of the Authority; to authorize the sale or conveyance by the Authority of any of its properties; to provide for the use of the proceeds of any such securities issued by the Authority; to provide for the refunding of securities theretofore issued by the Authority; to provide that the Authority may not issue bonds (other than refunding bonds) subsequent to December 31, 1982, except as authorized by Act of the Legislature regularly enacted into law; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for various governmental and fiduciaries; to provide for the applicability of certain provisions of the Alabama Uniform Commercial Code to certain transactions entered into by the Authority; to exempt the property and income of the Authority and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to judges of probate; to exempt the Authority from all laws of the State governing usury or prescribing or limiting interest rates;

to exempt the Authority from all laws of the State requiring competitive bids for contracts to be entered into by public corporations; to exempt the Authority from the supervision and control of any State agency; to provide for the disposition of the earnings, if any, of the Authority; and to provide that members of the board of directors of the Authority shall disclose potential conflicts of interest and refrain from participating in actions or proceedings in which they have an interest.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 374. (With Substitute) (With Amendment): To amend §§ 24-5-2, 24-5-3, 24-5-4, 24-5-5, 24-5-6, 24-5-7, 24-5-10, and 24-5-14, Code of Alabama 1975, which sections are part of the Uniform Standards for Mobile Homes Act, so as to establish the Federal Mobile Home Construction or Safety Standards of the National Mobile Home Construction and Safety Standards Act of 1974 as the applicable standard for mobile homes sold in this state, to repeal existing standards which are now in conflict with Federal standards, to repeal § 24-5-8, Code of Alabama relating to reciprocity of inspections, to repeal requirements that mobile home dealers and manufacturers purchase a bond as a prerequisite for obtaining a license under the Mobile Home Standards Act; to impose a civil or criminal misdemeanor penalty for violation of the Act; to provide that the Fire Marshal may enter into contracts with any private or public agency charged with the enforcement of the Federal Regulations.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 529. (With Amendment): To amend Sections 36-18-1 through 36-18-4, Code of Alabama 1975, which establish and provide for the duties of the office of State Toxicologist, so as to provide further for the duties and rename the office.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 414. (With Amendments): To establish the Alabama Perinatal Health Act; to define perinatal; to provide that such perinatal care programs are designed to reduce infant mortality and handicapping conditions; to provide that such programs shall be based on the levels of care concept of regionalization; to provide cooperation between state, local and private health care services for the purposes of low cost prevention-oriented perinatal care; to provide that the Bureau of Maternal and Child Health under the supervision of the State Board of Health, the State Health Planning and Development Agency, the State Health Coordinating Council, the Health Systems Agencies, the Alabama Council on Maternal and Infant Health and the Regional and State Perinatal Advisory Committee shall develop certain plans or programs relative to perinatal care; to prescribe certain responsibilities and authority for the said agencies and the State Board of Health and other state agencies; to provide for the manner of allocation of certain funds and the purposes therefor.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 512. To amend Section 1-3-8 of the Code of Alabama 1975, relating to state holidays and providing for bank closings on certain holidays so as to change the date on which state banks may be closed in observance of National Memorial Day.

Rep. Cabaniss, Acting Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 136. To amend § 27-30-33, Code of Alabama 1975 requiring Mutual Aid Associations to follow the provisions of the Insurance Holding Company System Regulatory Act found in Chapter 29 of Title 27, Code of Alabama 1975.

S. 137. To prohibit the formation of new Mutual Aid Associations under the provisions of §§ 27-30-1 through 27-30-33, Code of Alabama 1975.

Rep. Cabaniss, Acting Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 141. (With Substitute): To amend § 36-7-21, Code of Alabama 1975 to exempt certain examiners of the State Department of Insurance in examinations of insurers conducted outside of the State of Alabama.

Rep. Cabaniss, Acting Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 376. To amend Sections 27-2-21 and 27-10-31, Code of Alabama 1975 allowing the Commissioner of Insurance to examine surplus line brokers in the same manner as an insurer; to allow the surplus line broker to offset from his tax the cost of such examination.

S. 375. To amend § 27-2-31, Code of Alabama 1975 extending the immunity from civil liability of the Commissioner of Insurance for negligent acts on his part in performing his required and discretionary duties.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 502. To provide for a supplemental salary for the District Attorney of the Thirtieth Judicial Circuit, to be paid by St. Clair County and to fix the amount and method of payment thereof; and to provide for retroactive effect.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

S. 594. (With Amendment): Relating to DeKalb County; providing an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

S. 595. (With Amendment): Relating to Jackson County; providing an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 598. Relating to Coosa County; providing a monthly expense allowance for the county coroner.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 433. Relating to Jefferson County; providing that any conveyance of property required to be recorded in the office of the probate judge must include the name and address of the person to receive the tax notice.

S. 486. Relating to Jefferson County; further regulating the duties and authority of the judge of probate in said county so as to require that certain forms be made available in the office of the judge of probate for the use of all persons and parties in interest; and repealing any law in conflict with the provisions of this Act.

Rep. Gregg, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 503. Relating to Madison County; to provide that any person who taught in more than one school system for a period in excess of thirty years, and who contributed to the Teachers' Retirement System and who drew retirement benefits prior to being appointed or elected to any elected office in Madison County, shall be entitled to continue receiving retirement benefits from the Teachers' Retirement System while serving as an elected official; providing retroactive payments for eligible persons.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 534. To make appropriations for the support and maintenance of the Marion Military Institute.

Also:

H. 535. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Also:

H. 536. To make appropriations for the support and maintenance of the Talladega College.

Also:

H. 537. To make appropriations for the support and maintenance of the Walker County Junior College.

Also:

H. 538. To make appropriations for the support and maintenance of the Tuskegee Institute.

Also:

H. 815. To make further appropriations of State Funds for the fiscal year ending September 30, 1980.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 219. EXPRESSING APPRECIATION TO THE ROTUNDA TELEPHONE OPERATORS FOR THEIR COURTEOUS ASSISTANCE TO MEMBERS OF THE LEGISLATURE.

Also:

H. J. R. 233. COMMENDING THE "PRIDE OF THE SOUTH," THE DALEVILLE HIGH SCHOOL BAND.

Also:

H. J. R. 234. RECOGNIZING THE OUTSTANDING JUNIOR R.O.T.C. PROGRAM OF DALEVILLE HIGH SCHOOL.

Also:

H. J. R. 239. COMMENDING DR. O. S. GUMBS, GRAND POLEMARCH OF KAPPA ALPHA PSI.

Also:

H. J. R. 241. COMMENDING DOCTOR O. R. GRIMES OF GADSDEN ON FIFTY YEARS OF DEDICATED SERVICE TO HIS PROFESSION.

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Also:

H. J. R. 242. COMMENDING MR. FRANK HELDERMAN, SR.,
RECIPIENT OF THE WILLIAM CRAWFORD GORGAS AWARD.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Little:

S. J. R. 189. COMMENDING THE AUBURN UNIVERSITY SOIL
JUDGING TEAM FOR AN UNPRECEDENTED THIRD NATIONAL
CHAMPIONSHIP.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 189, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Martin, Higginbotham, Callahan, White, Goodwin, Keener, Weeks, Bailey, Barron, Britnell, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Gulledge, Hall, Harrison, Holmes, Kirkland, Lemaster, Little, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague and Vacca:

S. J. R. 190. URGING IMMEDIATE CONGRESSIONAL ACTION
TO PROVIDE A LEVEL OF FUNDING ADEQUATE TO THE NEEDS OF
THE STATES FOR HIGHWAY MAINTENANCE AND CONSTRUCTION.

WHEREAS, though aware that the State of Alabama stands not apart from its sister states in a constant and unrelenting erosion of its economy, the Alabama Legislature from personal viewpoint is painfully knowledgeable of Alabama's pressing need of adequate funds, not only to properly maintain existing roads and highways, but also to complete vital links in our nation's interstate highway systems; and

WHEREAS, even as inflation soars, highway funding at the federal level remains the same, and totally insufficient to the needs of the states; and

WHEREAS, the Federal Highway Administration faces a shortage of funds due to a cash flow problem created by large numbers of contractor estimates coming due during the months of June and July; and

WHEREAS, Congress must approve a supplemental appropriation of \$1.4 billion in order to alleviate this cash flow problem; and

WHEREAS, the delay in approving supplemental appropriation has in turn forced Alabama to delay awarding approximately \$80 million in desperately needed construction projects which are financed primarily with federal funds; and

WHEREAS, a further stay in approving supplemental appropriation may possibly force curtailment of construction projects previously awarded and on which work is currently progressing; and

WHEREAS, until supplemental appropriation is approved, Alabama can no longer move forward on projects scheduled for highway lettings in June and July; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most strongly urge the Alabama Congressional Delegation to use every effort available to have supplemental appropriation for the Federal Highway Administration approved as quickly as possible.

BE IT FURTHER RESOLVED, That the Secretary of the Senate, by copy of this resolution, notify each member of the Alabama Congressional Delegation of our urgent request for expediency in federal highway supplemental appropriation to the states.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 190, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Little, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 185. WISHING COACH RALPH "SHUG" JORDAN ALL GOOD WISHES FOR A SPEEDY AND COMPLETE RECOVERY.

WHEREAS, the Legislature of Alabama expresses deep regret and concern in the illness of Alabama's beloved Coach Ralph "Shug" Jordan who remains hospitalized following heart surgery at Brookwood Medical Center in Birmingham, Alabama; and

WHEREAS, Coach Jordan's illness is an experience of shared distress by all citizens of our state who are ever mindful and deeply appreciative of the innumerable and outstanding contributions Coach Jordan has made not only to Auburn University but to all of Alabama, as well; and

WHEREAS, we are pleased to hear that the prognosis at this time is encouraging though his complete recovery will of course take time, no doubt necessitating further treatment and extensive care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely and deeply regret the illness of Coach Ralph "Shug" Jordan and do most earnestly beseech his complete recovery in the shortest possible time.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Jordan that he may know of our warm best wishes for him and for his family during his illness.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 185, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Miller:

S. J. R. 182. COMMENDING DECA OF ENTERPRISE HIGH SCHOOL, ALABAMA CHAPTER OF THE YEAR.

Also:

By Mr. Miller:

S. J. R. 183. COMMENDING MAYOR L. FRANK SAWYER FOR MERITORIOUS SERVICE TO THE CITY OF NEW BROCKTON.

Also:

By Mr. Miller:

S. J. R. 184. MOURNING THE DEATH OF MR. WILLIAM MARVIN LEWIS, JR., OF COTTONWOOD, HOUSTON COUNTY, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolutions, S. J. R. 182, S. J. R. 183 and S. J. R. 184, the title of which are set out in the above and foregoing Message from the Senate, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Cook (With Notice and Proof):

S. 622. To alter or rearrange the boundary lines of the City of Hoover, Jefferson County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Jefferson and Shelby County, Alabama, to provide for an election by residents of the territory to be annexed, and to expressly provide that nothing herein contained shall amend, alter or rearrange the present boundary line between Jefferson and Shelby Counties, nor annex any public school property owned by the Shelby County Board of Education.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 622 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. deGraffenried (With Notice and Proof):

S. 569. Relating to Tuscaloosa County; to provide for the taxing and collecting of certain court costs for remodeling courtrooms and judges' chambers.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 569 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Little (With Notice and Proof):

S. 606. Relating to Tallapoosa County; to amend Section 2 of Act No. 32, S. 62, Regular Session 1967 (Acts 1967, p. 363), relating to compensation for members of the board of registrars, so as to regulate further said supplement; and to provide for retroactive effect.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 606 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Keener (With Notice and Proof):

S. 607. To provide an expense allowance for certain city employees of Attalla.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 607 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

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Also:

By Mr. Keener (With Notice and Proof):

S. 608. To provide the members of the Etowah County board of registrars with an additional per diem supplement.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 608 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Keener (With Notice and Proof):

S. 609. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Etowah County.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 609 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Callahan (With Notice and Proof):

S. 610. To amend Section 1 of Act No. 710, H. 1102 (1976 Regular Session) (Acts 1976 p 990) an act providing for the minimum compensation for all Deputy Sheriffs in counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal census in the State of Alabama.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 610 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Little (With Notice and Proof):

S. 611. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Tallapoosa County.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 611 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Little (With Notice and Proof):

S. 612. To authorize and direct the Tallapoosa County Commission to appropriate the accumulation of the beer tax levied by Act No. 147, H. 572 of the 1969 Regular Session (Acts of 1969, p. 420) and distribute it within the county.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 612 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Little (With Notice and Proof):

S. 613. Relating to Randolph County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 613 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Holmes (With Notice and Proof):

S. 614. Relating to Calhoun and Talladega Counties; to alter, rearrange and extend the boundary lines and corporate limits of the City of Oxford in said counties.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 614 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Proctor (With Notice and Proof):

S. 615. Relating to Shelby County; providing for an increase in salary for the part-time bailiffs of said county.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 615 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Keener (With Notice and Proof):

S. 617. Relating to Etowah County; setting the compensation of supernumerary district attorneys and providing for a supplement from the general funds of such county under certain circumstances.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 617 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

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Also:

By Mr. Harrison (With Notice and Proof):

S. 618. To amend Section 1 of Act No. 388, H.979, 1978 Regular Session, entitled "An Act Relating to Elmore County; providing further for the salaries and expense allowances of the deputies of the sheriff's department, and providing payment out of county funds, so as to increase the salaries of the deputies of the sheriff's department."

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 618 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Denton (With Notice and Proof):

S. 621. Relating to Colbert County; to provide for the establishment of fees by the county commission based upon, but not bound by recommendations of the county board of health for public health services.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 621 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Cook (With Notice and Proof):

S. 623. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 623 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Cook (With Notice and Proof):

S. 624. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 624 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Cook (With Notice and Proof):

S. 625. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 625 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate were severally read one time and referred to appropriate Standing Committees as follows:

- S. 622. Local Government.
- S. 569. Local Legislation No. 1.
- S. 606. Local Legislation No. 1.
- S. 607. Local Legislation No. 1.
- S. 608. Local Legislation No. 1.
- S. 609. Local Legislation No. 1.
- S. 610. Local Legislation No. 3.
- S. 611. Local Legislation No. 1.
- S. 612. Local Legislation No. 1.
- S. 613. Local Legislation No. 1.
- S. 614. Local Legislation No. 1.
- S. 615. Local Legislation No. 1.
- S. 617. Local Legislation No. 1.
- S. 618. Local Legislation No. 1.
- S. 621. Local Legislation No. 1.
- S. 623. Local Legislation No. 1.
- S. 624. Local Legislation No. 1.
- S. 625. Local Legislation No. 1.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Harrison:

H. J. R. 279. CREATING A SELECT JOINT INTERIM COMMITTEE FOR THE PURPOSE OF INVESTIGATING, REVIEWING AND MAKING RECOMMENDATIONS ON A MODEL SYSTEM FOR EFFICIENT AND QUALITY HIGHER EDUCATION IN THIS STATE.

WHEREAS, there is an obvious and pressing need for a complete and comprehensive study of a total higher education system in this state, particularly as to any allegation as to duplication in curriculum and programs being offered by the various institutions of higher education throughout the state; and

WHEREAS, there have been charges of over-crowding of the physical plant and facilities at certain institutions while at the same time there was under-use of the same type facilities at other institutions; and

WHEREAS, there is a great need for the Legislature to study all of these matters; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of four members of the House and four members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and a vice chairman. The committee shall conduct an in-depth investigation of all institutions of higher learning in this state with the view in mind of recommending a model higher education system for this state.

The committee shall have subpoena power and the power to punish for contempt of a committee of the Legislature.

Upon request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifteenth legislative day of the 1981 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. Committee members shall be reimbursed for actual expenses tourist-class for flying within the state. Actual out-of-state expenses shall be reimbursed for committee members and for people from national, regional or governmental organizations coming into Alabama to testify before the committee. Committee members shall be paid mileage for intrastate travel to and from committee meetings at the same mileage rate that state employees are paid. It is further provided that the total expenses of the committee shall not exceed \$14,500. The Office of the Attorney General shall provide legal counsel for said committee. The State Board of Education and the Alabama Commission on Higher Education shall provide said committee professional staff support.

The resolution, H. J. R. 279, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Harper (T):

H. J. R. 280. PROVIDING AROUND THE CLOCK POLICE PROTECTION FOR REPRESENTATIVE TOMMY SANDUSKY.

WHEREAS, the chairman of the Mobile County Delegation, the Honorable Representative, Tommy Sandusky, has created a tremendous stir on Alabama's college campuses as a result of his Iranian Student resolution; and

WHEREAS, there are several hundred unpredictable, irrational and volatile Iranian nationals attending state supported post secondary educational institutions in the State of Alabama; and

WHEREAS, Representative Sandusky has placed himself in immanent danger of being the prime target of an Iranian terrorist activity; and

WHEREAS, Representative Sandusky is an extremely patriotic and proud American who holds the best interests of the United States close to his heart; and

WHEREAS, the State of Alabama has the responsibility of protecting the security of its patriotic public officials who's lives are in immanent danger; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama provide around the clock police protection for the Honorable Representative Tommy Sandusky.

On motion of Rep. Harper (T), the rules were suspended and the resolution, H. J. R. 280, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Hammett:

H. R. 281. CONGRATULATING MR. AND MRS. OLIVER McVAY ON THEIR GOLDEN WEDDING ANNIVERSARY.

Also:

By Rep. Willis:

H. R. 282. COMMENDING MR. CLYDE PIKE OF PIEDMONT, CALHOUN COUNTY, ALABAMA.

Also:

The following resolutions were introduced:

By Reps. McMillan, Penry and Bedsole:

H. J. R. 283. COMMENDING HONORABLE JOE C. McCORQUODALE, JR., CHAIRMAN, AND ALL OTHER MEMBERS OF THE GOVERNOR'S FOREST DISASTER RECOVERY COUNCIL FOR DISASTER RELIEF WORK IN THE AFTERMATH OF HURRICANE FREDERIC AND THE HONORABLE FOB JAMES, GOVERNOR, FOR NAMING SAID COUNCIL.

WHEREAS, Hurricane Frederic was responsible for causing widespread damage to the forests of southwest Alabama; and

WHEREAS, the timber interests in southwest Alabama were practically devastated monetarily by the winds of Hurricane Frederic; and

WHEREAS, urgent action was needed to provide disaster relief and cleanup operations for such area of Alabama; and

WHEREAS, it was imperative to speed-up and expedite the clearing of roadways and the harvesting and marketing of fallen timber in order to salvage the same from decay; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we do highly commend the Honorable Fob James, Governor, for his timely action in naming the members of the Governor's Forest disaster Recovery Council and we also highly commend all members of said Council, including its Chairman, Honorable Joe C. McCorquodale, and the Committee Chairmen as follows: Utilization, John Tyler; Transportation, Tom Kelly; Emergency Services, C. W. Moody; information, Hilton Watson; Humanitarian Services, Larkin Wade; Reforestation, Bob Lee; for the initiative and tireless effort of said council in providing disaster relief and cleanup work in the aftermath of Hurricane Frederic resulting in the salvage of damaged timber in southwest Alabama. We also single out for commendation Forest Industry in Alabama for responsible action which is resulting in the salvage of damaged timber to the maximum degree possible.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Honorable Fob James, Honorable Joe C. McCorquodale, and to the Governor's Forest Disaster Recovery Council, in recognition of their service and dedication.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 283, was adopted.

Also:

By Reps. Crow, Campbell, Blake and Willis:

H. J. R. 284. DIRECTING THE ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD TO FORTHWITH CEASE ISSUING BEER, WINE OR LIQUOR LICENSES TO CERTAIN ALIEN RESIDENTS.

WHEREAS, the Alabama Legislature recognizes that the economy and world events have threatened the livelihood of many of our native Alabamians who have worked for the betterment of this state and its citizens and who have paid taxes; and

WHEREAS, it has come to the attention of the legislature that the Alabama Alcoholic Beverage Control Board allows licenses for the sale of beer, wine or liquor to be issued to aliens who presently, even temporarily, reside within the state and many such aliens have not, nor do they intend to apply for American Citizenship; and

WHEREAS, such indiscriminate licensing poses potential serious dangers to the health and morals of our citizens and this state's interest in temperance; and

WHEREAS, such licensing lessens business and job opportunities to native Alabamians and other citizens who have contributed their talents and taxes for many years; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the Alabama Alcoholic Beverage Control Board is hereby directed to forthwith cease and desist from issuing any license for the sale of beer, wine or liquor to any alien who has not applied for citizenship at least six months prior to making application therefor.

BE IT FURTHER RESOLVED, That the Alcoholic Beverage Control Board may continue to process any applications by aliens who are non-citizens which are pending on the date this resolution becomes an act; thereafter no such applications shall be processed.

RESOLVED FURTHER, That a copy of this resolution shall be sent to the director of the Alabama Alcoholic Beverage Control Board.

On motion of Rep. Crow, the rules were suspended and the resolution, H. J. R. 284, was adopted.

Also:

By Rep. Adams (C):

H. J. R. 285. CREATING THE LEGISLATIVE JOINT INTERIM EDUCATIONAL INSTITUTIONS STUDY COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a legislative joint interim committee to study educational institutions which receive state money. Said committee shall be composed of three members of the House of Representatives and three members of the Senate to be appointed by the respective presiding officer of each body. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall adopt all necessary rules of procedure.

Said committee shall:

1. examine encumbered or reserved and unencumbered or unreserved funds affecting said educational institutions,
2. examine capital outlay funds, practices and procedures affecting said educational institutions,
3. review operations and maintenance funds, practices and powers affecting said educational institutions,
4. review investment policies, procedures and performance affecting said educational institutions,
5. review purchasing practices and procedures affecting said educational institutions,
6. examine expenditures on non-academic functions by said educational institutions, and
7. review fiscal policies and procedures of said educational institutions.

The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the committee's work. Additional assistance shall be provided for the Legislative Reference Service, the Legislative Fiscal Office, the Department of the Examiners of Public Accounts, the Educational Study Committee or any other public board, commission, committee or agency.

Said committee shall report its findings, conclusions and recommendations to the legislature not later than the 10th legislative day of the next regular session, at which time the committee shall be abolished.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem, mileage and travel expenses for each committee meeting attended. Said money shall be paid out of any fund appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session, but they shall receive their travel expenses for all meetings attended and for any travel upon the business of the committee.

The total expenses of the committee shall not exceed \$12,000.

AMENDMENT OFFERED

Rep. Owens offered the following amendment to the resolution, H. J. R. 285:

Amend H. J. R. 285 by deleting the last line and by adding in lieu thereof the following:

The total expenses of the committee shall not exceed \$7,500.

AMENDMENT LOST

And the amendment was lost.

Yeas 24; Nays 32.

Yeas:

Reps.: Adams (H), Barton, Bedsole, Blake, Bowling, Campbell, Clark (G), Cosby, Dial, Drinkard, Ford, Grouby, Hammett, Holley, Langford, McKee, Naramore, Olive, Owens, Smith (C), Turnham, Venable, Warren and Willis.

—24

Nays:

Reps.: Adams (C), Albright, Bennett, Biddle, Boles, Buskey, Cates, Clark (W), Cobb, Cooley, Daniels, Edwards, Gafford, Gilmer, Hall, Harrison, Harvey, Hilliard, Horn, Kennedy, Laird, Letson, Lewis, Patton, Penry, Ray, Roberts, Sasser, Turner, Ward, Whatley and Wyatt.

—32

MOTION TO SUSPEND RULES AND ADOPT

Rep. Adams (C) offered the motion to suspend the rules and adopt the resolution, H. J. R. 285.

DIVISION OF THE QUESTION

Rep. Owens called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Adams (C) to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 285, and the motion was lost, lacking a four-fifths vote.

Yeas 36; Nays 21.

Yeas:

Reps.: Adams (C), Bedsole, Boles, Cabaniss, Cates, Cheatwood, Coburn, Cooley, Crow, Daniels, Edwards, Gafford, Greer, Harrison, Harvey, Horn, Laird, Letson, Lewis, McKee, Olive, Patton, Penry, Ray, Roberts, Sandusky, Sasser, Smith (J), Starkey, Stewart, Stout, Turnham, Warren, Whatley, Willis and Wyatt.

—36

Nays:

Reps.: Albright, Barton, Campbell, Clark (G), Cosby, Dial, Drinkard, Ford, Grouby, Hall, Hilliard, Holley, Kennedy, Langford, Manley, Owens, Rains, Smith (C), Tucker, Turner and Venable.

—21

The resolution, H. J. R. 285, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Turner:

H. R. 286. REQUESTING PRAYER FOR POLITICAL COLUMNIST WHO PRINT FALSE AND FICTICIOUS STATEMENTS.

WHEREAS, political columnists in the State of Alabama have a professional and moral obligation to report the truth; and

WHEREAS, the Ten Commandments specifically state that a person who tells a lie has committed a sin; and

WHEREAS, certain political columnists in the State of Alabama have been guilty of printing false and fictitious statements; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That we request the Minister of the day in the House of Representatives pray a prayer of salvation for these political columnists in the State of Alabama who print four or more false statements in one article.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Turner offered the motion to suspend the rules and adopt the resolution, H. R. 286.

DIVISION OF THE QUESTION

Rep. Pegues called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Turner to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 286, and the motion was lost.

The resolution, H. J. R. 286, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Bedsole and McMillan:

H. J. R. 287. A RESOLUTION TO ESTABLISH A TASK FORCE TO STUDY THE METHODS OF PRESERVATION AND CONSERVATION OF OUR NATIONAL, HISTORICAL AND CULTURAL RESOURCES AND TO ESTABLISH STANDARDS FOR EXISTING DEPARTMENTS.

WHEREAS, there is a recognized and critical need to preserve special natural, historic, and cultural resources such as natural and historic landmarks, and

WHEREAS, the historical and cultural heritage of the State of Alabama is among its most valued and important assets, and the preservation of our built environment of great significance to Alabama, the birthplace or residences of outstanding personages, the sites of historic events in Alabama or United States history, together with important artifacts and other evidences of our heritage from all eras, are of great concern to Alabama and its people, and

WHEREAS, there exists in the people of Alabama, a commitment to protect plant and animal life, geological areas, ecosystems, or other areas of unique ecological, scientific or educational interests and to develop and improve state parks, monuments and historical sites in the State, and

WHEREAS, in light of our State's rapid population growth and significant industrial development it is of special value to the youth of Alabama to foster an understanding and appreciation of and to preserve reminders of the circumstances under which our State was born and nurtured and under which our great nation has developed, and

WHEREAS, the efficient management of these programs is appropriate to the preservation and conservation of all natural, historic and cultural resources and requires the development of sufficient information, priorities, guidelines, and manpower to succeed,

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both houses concurring, that a special task force be established to study methods of preserving, protecting, developing and conserving natural, historic and cultural resources and to make appropriate recommendations as to what areas are of great concern and therefore deserve greater state emphasis and effort. The task force shall study the methods of categorizing and prioritizing natural, historic and cultural resources. This task force shall continue in existence until June 30, 1981 and shall submit a preliminary report on the fifth (5th) day of the 1981 Regular Session and a final report on or before June 31, 1981. The task force shall consist of 18 members: one member from the Department of Conservation to be appointed by the director of the Department of Conservation, one member from the Alabama Historical Commission to be appointed by the director of the Historical Commission, one member from the Council on the Arts and Humanities to be appointed by the executive director of the Council, 3 member of the House of Representatives to be appointed by the Speaker of the House, 3 members of the Senate to be appointed by the Lieutenant Governor, and 9 persons from the state at-large who shall have expertise or be actively engaged in the fields of business, industry, mining, forestry, historical preservation, environmental protection or the arts; 3 to be appointed by the Governor, 3 to be appointed by the Lieutenant Governor and 3 to be appointed by the Speaker of the House of Representatives, with members to be chosen so that each field is represented by at least one person.

BE IT FURTHER RESOLVED, That an Executive Director be chosen by the task force, and that money for salaries and expenses shall come from contributions from corporations, businesses and individuals who are interested in the preservation and conservation of Alabama's natural, historic and cultural resources and any available matching funds from the Federal Government. The State of Alabama may provide up to 15 percent of the total expenditures of the task force, not to exceed \$15,000 in value, or in in-kind services to further the activities of the task force.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Bedsole offered the motion to suspend the rules and adopt the resolution, H. J. R. 287.

DIVISION OF THE QUESTION

Rep. Venable called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Bedsole to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 287, and the motion was lost.

The resolution, H. J. R. 287, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER

The House then proceeded with the consideration of the Special Order Calendar.

And the bill:

H. 1064. Relating to Baldwin County; to levy an additional privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages and to provide for the distribution of the proceeds of said tax.

Was taken up.

H. 1064 INDEFINITELY POSTPONED

On motion of Rep. McMillan, the bill, H. 1064, was indefinitely postponed.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

And the bill:

H. 1083. Relating to Tuscaloosa County; authorizing the county governing body and the governing bodies of municipalities in the county to adopt ordinances which protect the historic architectural character of the county, including designating historic districts, creating certain agencies to regulate and promote the preservation of such districts, which are located or are to be located in the designated historic districts, and adopting other provisions necessary to effect the purposes of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

S. 513. Prescribing a certain county salary supplement for each circuit judge in the sixteenth judicial circuit; providing that such supplement shall be in lieu of all other expense allowances and salary supplements heretofore provided by law for such judges and providing that such supplements shall be paid in equal monthly installments from the general fund of the county within said circuit.

Was read a third time at length and passed.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

S. 576. Relating to Lowndes County; authorizing the County Commission to levy an additional privilege or license tax on persons, firms and corporations, selling, distributing or delivering malt or brewed beverages to retailers in Lowndes County; providing for the assessment, collection and distribution of the proceeds of the tax; authorizing the adoption and promulgation of rules and regulations therefor by the county commission of said county; defining violations of the act and prescribing penalties therefor.

Was read a third time at length and passed.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1101. Relating to Chilton County; providing for an additional expense allowance for the county treasurer.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1103. Relating to Coffee County; providing further for the establishment and composition of the county jury commission and repealing Act No. 571, S. 468, 1953 Regular Session (Acts 1953, p. 813).

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Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1104. Relating to Macon County; increasing the salaries of the deputies sheriff and other employees of the sheriff's department.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1106. To repeal Act No. 250, H. 874 of the 1975 Regular Session (Acts 1975, p. 783), relating to Shelby County, entitled "An Act To prohibit the probate judge or any other official or any employee of Shelby County from selling, lending, giving, or otherwise disposing of a computer printout of the list of registered voters of Shelby County."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1007. To amend Section 5-2-6 of the Code of Alabama, 1975, in order to reduce from five to two the number of years of experience in the banking field the superintendent of banks must have prior to his appointment.

Was taken up.

H. 1007 INDEFINITELY POSTPONED

On motion of Rep. Johnson (Roy), the bill, H. 1007, was indefinitely postponed.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1109. To extend, alter, and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1110. Relating to Winston County; to provide further for the compensation of the county jury commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1113. To repeal Act No. 260, H. 879, approved April 26, 1977, Regular Session 1977 (Acts 1977, p. 346), entitled "An Act Relating to counties having a population of not less than 21,000 nor more than 22,000 according to the 1970 or any subsequent federal decennial census; to provide further for the salary and expense allowance of the superintendent of education".

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1114. Relating to Lauderdale County; amending Act No. 79-107, H. 171, 1979 Regular Session, (Acts 1979, p. 129) entitled "An Act Relating to Lauderdale County; to create the office of County License Commissioner in said county; to prescribe the manner of appointment, term, compensation, duties and realm of authority of said commissioner; to prescribe more convenient and efficient procedures for assessment and collection of certain taxes and the issuance of licenses by said commissioner; to abolish the office of County License Inspector and transfer the duties of said office to the County License Commissioner; to transfer certain duties now performed by the tax assessor and tax collector to said commissioner; to prescribe fees, charges and commissions which may be collected by said commissioner pursuant to this Act; to provide for the disposition of the proceeds thereof and to require certain reports relative thereto," so as to provide further for the duties of said commissioner.

Was taken up.

AMENDMENT OFFERED

Rep. Greer offered the following amendment to the bill, H. 1114:

Amend H. B. 1114 on page 1, Section 1, lines 36 and 37, by striking the words listed as such in the motor vehicle license records who have requested that such form be mailed to them.

Further amend H. B. 1114 on page 2, Section 1, lines 22, 23 and 24 by adding a period (.) after the word "Thereon" (line 22) and striking the words or to the address which said owner requests that the application form be mailed to.

Further amend H. B. 1114 on page 2, Section 1, line 29 by adding after the words "by mail" the following:

by October 15

Further amend H. B. 1114 on page 3, Section 1, line 21 by striking out \$.25 and inserting in lieu thereof \$.50.

REGULAR SESSION
28th Day

2001

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill, H. 1114 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1116. Relating to Walker County; amending Sections 5, 6, 7 and 14 of Act No. 200, H. 120 Special Session (Acts 1969, p. 263) relating to the county civil service system, so as to provide further for the appointment, compensation and duties of the Civil Service Board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive,

Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1117. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1118. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1119. To provide for the transfer of contributions and creditable service from Clerks and Registers Supernumerary Fund, State of Alabama, for the Clerk of the Circuit Court of Lowndes County, Alabama, should he so elect; to provide that the Clerk of the Circuit Court of Lowndes County, Alabama, if he so elects, may be exempt from the Clerks and Registers Supernumerary Fund, and such service as Clerk may be under the Employees' Retirement System of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1120. Relating to Lauderdale County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services.

Was taken up.

AMENDMENT OFFERED

Rep. Greer offered the following amendment No. 1 to the bill, H. 1120:

In the title on line 13 strike the period and insert the following in lieu thereof:

; to provide for the continuation of the present fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year.

In Section 2, on line 29 after the period insert the following:

The present fee schedule shall remain in effect until the end of the 1980 fiscal year. The county governing body shall adopt a new fee schedule for each succeeding fiscal year. Said new fee schedule may be the same or different from the schedule of the preceding fiscal year.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

AMENDMENT OFFERED

Rep. Greer offered the following amendment No. 2 to the bill, H. 1120 as amended:

Amend H. B. 1120 in Section 9, Page 2, line 18 by adding the following after the word "law":

, and shall be in effect thru June 30, 1980, after which time this act shall be repealed.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1120. Relating to Lauderdale County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services; to provide for the continuation of the present fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1121. Relating to Lauderdale County; providing that due to the provisions of Section 12-17-92, Code of Alabama 1975, any salary increase paid to circuit judges shall automatically result in a supplemental salary increase for the circuit clerk and providing for the retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1122. Relating to Walker County; to provide for the City of Sumiton in Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1123. Relating to Geneva County; to provide further for the salary and expense allowance of the superintendent of education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1129. Relating to Coosa County; providing for the creation of a county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; and providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1128. Relating to Coosa County; providing for an additional allowance for election officials who work at polling places.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1130. Relating to Coosa County; to relieve the judge of probate from charging a fee when celebrating the rites of matrimony; and to provide that any such fee when charged by the judge of probate may be retained by him.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley,

Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1131. To empower and direct the County Commission in DeKalb County to create a personnel system to govern all regular, full-time employees of the County Highway Department and such other class or classes of regular, full-time county employees as the County Commission shall determine; to establish the powers and duties of said County Commission in hiring, transferring, compensating, classifying, promoting, demoting, training and establishing rules of general conduct for such County employees; to direct the County Commission to establish a grievance procedure for all regular, full-time employees of the County Highway Department; to empower and direct said County Commission to establish a Personnel Review Board; to provide for the powers, duties, qualifications, and compensation of said Personnel Review Board.

Was taken up.

AMENDMENT OFFERED

Rep. Stout offered the following amendment No. 1 to the bill, H. 1131:

Amend H. B. 1131 on page 4, Section 5, line 22 by striking the word three and inserting in lieu thereof the word five.

Further amend H. B. 1131 on page 4, Section 5, lines 24, 25, and 26 by striking the words The two remaining Board members shall be appointed by the legislative delegation and one shall initially serve for a term of four years and one for a term of six years. , and inserting in lieu thereof the following:

On member, elected by the employees, shall serve a term of four years. The three remaining Board members shall be appointed by the legislative delegation and each shall serve for a term of six years.

Further amend H. B. 1131 on page 5, Section 6, line 31 by striking the words fifteen (15) and inserting in lieu thereof the following:

twenty (20)

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive,

Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

AMENDMENT OFFERED

Rep. Stout offered the following amendment No. 2 to the bill, H. 1131:

Amend H. B. 1131 on page 6, Section 6, line 14 by adding the following:

Section 7. Any employee which has previously acquired permanent status with the State Personnel System with the State Highway Department and which employee transfers to the DeKalb County Commission shall have the rights of a permanent status employee; and employee in-service time with the State Highway Department shall be used to determine benefits provided herein and by the DeKalb County Commission.

and by renumbering subsequent sections accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill, H. 1131 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1132. Relating to DeKalb County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of DeKalb County; and to prohibit the performance of certain work on private property and provide penalties for violations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1133. To provide an expense allowance for the circuit court register in DeKalb County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1134. Relating to DeKalb County to provide disbursement of funds recived by DeKalb County paid in lieu of taxes by the Tennessee Valley Authority; to provide for a custodian of such funds; to provide for investment and disbursement of such funds and to provide the method under which such disbursements shall occur.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1135. Relating to DeKalb County; to provide further for the powers and duties of the county commission; and to ratify and confirm certain expenditures heretofore made to the custodian of voting machines.

Was taken up.

AMENDMENT OFFERED

Rep. Stout offered the following amendment to the bill, H. 1135:

Amend H. B. 1135 on page 1, line 6 by striking after the words "county commission". the following:

; and to ratify and confirm certain expenditures heretofore made to the custodian of voting machines.

Further amend H. B. 1135 on page 1, Section 1, line 37 by adding after the words "to hire and fire" the following:

with the approval of a majority of the county commission.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1135. Relating to DeKalb County; to provide further for the powers and duties of the county commission.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1140. Relating to Randolph County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley,

Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1141. Relating to Morgan County; providing for the allocation, apportionment and distribution of certain highway gasoline taxes received by the county, contingent upon certain allocations to Morgan County from the state; and providing an effective and expiration date for the provisions of the act.

Was taken up.

AMENDMENT OFFERED

Rep. Patton offered the following amendment to the bill, H. 1141:

Amend H. B. 1141, page 1, Section 1, lines 22 and line 23 by striking the number 540 and inserting in lieu thereof 287, 288, 289, 290 and 291.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill, H. 1141 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley,

Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1143. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment to the bill, H. 1143:

On Page 3, on line 9 strike the words & figure "2%" and insert in lieu thereof words & figure: 1%

On page 3, on line 13 strike the words & figure "42%" and insert in lieu thereof words & figure: 43%

On page 3, on line 30 after the word "regulations." insert the following: The probate judge shall be authorized to deduct from the proceeds of such tax an amount equal to one percent (1%) of the proceeds prior to distribution to defray the costs of collection and administration to be distributed in the same manner as provided in Act 556, Regular Session 1953.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill, H. 1143 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley,

Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1108. Relating to Tuscaloosa County to amend Sections 2, 18, 23, 25, 27 and 29, of Act No. 328, H. 854 (Acts 1959, p. 907, Vol. 2), as last amended, which bill relates to the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, Alabama, fixing maximum benefits for firemen or policemen retiring for disability arising as a result of service in the department, fixing maximum benefits to be paid to dependents of members, increasing the limitation on the amount of pension benefits to be paid under the act, providing for the manner of determining the pension and deleting the provision that pensions shall increase or decrease in accordance with the increase or decrease of salaries of active members of the department, providing that no pension presently being paid shall be decreased by the provisions of this act, and defining the term "salary".

Was taken up.

AMENDMENT OFFERED

Rep. Barton offered the following amendment to the bill, H. 1108:

On page 1, in the first line of the title delete the number "27"

On page 1, in the title on lines 8, 9 and 10 delete the following words:

deleting the provisions that pensions shall increase or decrease in accordance with the increase or decrease of salaries of active members of the department,

On page 1, at the end of the title add the following sentence:

Further, to repeal Section 27 of Act 328, H. 854 (Acts 1959, p. 907, Vol. 2) so as to delete the provision that pensions shall increase or decrease in accordance with the increase or decrease of salaries of active members of the department.

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

AMENDMENT OFFERED

Rep. Barton offered the following amendment No. 2 to the bill, H. 1108:

On page 3, in Section 3, delete the last sentence in Section 3 and insert in lieu thereof:

It is provided, however, that the minimum monthly benefit, payable hereunder for permanent disability, to those persons who have contributed to the Fund for fifteen (15) years, but less than twenty (20) years, shall be three hundred fifty dollars (\$350.00), and the minimum monthly benefit to those persons who have contributed to the Fund for twenty (20) years or more shall be four hundred dollars (\$400.00), and that the maximum benefit payable hereunder for permanent disability in any case shall be five hundred seventy dollars (\$570.00). Benefits under this section shall not be limited by Section 29 herein.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1108. Relating to Tuscaloosa County to amend Sections 2, 18, 23, 25, and 29, of Act No. 328, H. 854 (Acts 1959, p. 907, Vol. 2), as last amended, which bill relates to the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, Alabama, fixing maximum benefits for firemen or policemen retiring for disability arising as a result of service in the department, fixing maximum benefits to be paid to dependents of members, increasing the limitation on the amount of pension benefits to be paid under the act, providing for the manner of determining the pension and providing that no pension presently being paid shall be decreased by the provisions of this act, and defining the term "salary". Further, to repeal Section 27 of Act 328, H. 854 (Acts 1959, p. 907, Vol. 2) so as to delete the provision that pensions shall increase or decrease in accordance with the increase or decrease of salaries of active members of the department.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1105. Relating to Mobile County; providng an election officers' school in each State Senate District.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1115. Relating to Franklin County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley,

Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1124. To authorize and direct the Tallapoosa County Commission to appropriate the accumulation of the beer tax levied by Act No. 147, H. 572 of the 1969 Regular Session (Acts of 1969, p. 420) and distribute it within the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1125. Relating to Tallapoosa County; to amend Section 2 of Act No. 32, S. 62, Regular Session 1967 (Acts 1967, p. 363), relating to compensation for members of the board of registrars, so as to regulate further said supplement; and to provide for retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1126. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Tallapoosa County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1127. Relating to Talladega County; to provide further for the compensation of election officers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1137. Relating to Covington County; to provide for a clerk to the tax assessor and a clerk to the tax collector; to provide for fixing the salaries of such clerks as the amount specified as the federal minimum wage; and provide for the method of payment of same.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

And the bill:

H. 1138. Relating to Covington County; to provide that in lieu of the former arrangement of paying both monthly expense allowances, mileage and salary for the Covington County governing body, the monthly remuneration of each member of said county governing body shall instead be a salary of \$900.00 per month, payable out of the county treasury; to provide that Act No. 900, H. 1674 of the 1971 Regular Session (Acts 1971, p. 1663), providing for reimbursement of the members of the county governing body for expenses incurred outside of the county and in attending meetings in the performance of their duties shall not be repealed hereby; to repeal conflicting laws; and to provide for an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—81

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Waggoner to suspend the rules in order to take up out of order the bill, H. 878, was lost.

REGULAR SESSION
28th Day

2021

Yeas 8; Nays 8.

Yeas:

Reps.: Amari, Bennett, Cabaniss, Hilliard, Jackson, Moore, Nevett and Waggoner.

—8

Nays:

Reps.: Boles, Cheatwood, Horn, Lewis, Olive, Payne, Seibels and Tucker.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Cabaniss, the rules were suspended in order to take up out of order the bill, H. 931.

Yeas 16; Nays 1.

Yeas:

Reps.: Amari, Bennett, Boles, Cabaniss, Gafford, Harrison, Hilliard, Horn, Jackson, Lewis, Nevett, Olive, Payne, Seibels, Trammell and Waggoner.

—16

Nay: Rep. Tucker.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

the Clerk reported that there was a quorum present.

The bill:

H. 931. To authorize and make provision for the incorporation in any Class 1 municipality as so designated by Act No. 79-263 enacted at the 1979 Regular Session of the Legislature of Alabama (being a city with a population of 300,000 or more inhabitants as certified by the 1970 federal decennial census) of Commercial Development Authorities for the purpose of promoting trade and commerce by inducing commercial enterprises to locate new facilities in this state and expand existing facilities in this state; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority, its board of directors, and its officers; to authorize any such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith, whether or not now existing, suitable for use by any commercial enterprise engaged in

the manufacturing, processing, assembling, storing, warehousing, distributing or selling of any products of agriculture, mining or industry, or by various enterprises for the purpose of research, or by any commercial enterprise engaged in selling, servicing, providing or handling any policies of insurance or any financial services, or suitable for use as a ship canal, port or port facility, off-street parking facility, dock or dock facility, harbor facility, railroad, monorail or tramway, railway terminal or railway beltline and switch, office building, planetarium or museum, pollution control facility, hotel, including parking facilities, facilities for meetings, and facilities suitable for rental to persons engaged in any business, trade, profession, occupation or activity, or as a shopping center or similar facility suitable for use by two or more commercial enterprises engaged in any business, trade, profession, occupation or activity, provided that such land, buildings or other improvements thereon and all real and personal properties necessary in connection therewith shall not include facilities (other than office buildings or other buildings suitable for use as a corporate headquarters) designed for the sale or distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities, and provided, further, that such property shall be located wholly within the corporate limits of such municipality and (i) wholly within areas for which either a redevelopment plan has been prepared and approved pursuant to the provisions of Section 24-2-4 of the Code of Alabama of 1975 or an urban renewal plan has been prepared and approved pursuant to the provisions of Section 24-3-3 of the Code of Alabama of 1975 or (ii) part of such property shall be property with respect to which an urban development action grant has been made under Section 119 of the Housing and Community Development Act of 1974; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to provide for the employment by any such Authority of such officers, employees and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all

conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; and to provide for the continued existence of any such Authority notwithstanding any reclassification of municipalities by the Legislature.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 19; Nays 0.

Yeas:

Reps.: Amari, Bennett, Boles, Cabaniss, Cheatwood, Gafford, Harrison, Hilliard, Horn, Jackson, Lewis, Moore, Nevett, Olive, Payne, Seibels, Trammell, Tucker and Waggoner.

—19

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Amari, the rules were suspended in order to take up out of order the bill, H. 546.

Yeas 12; Nays 3.

Yeas:

Reps.: Amari, Bennett, Cabaniss, Gafford, Harrison, Jackson, Nevett, Olive, Payne, Seibels, Tucker and Waggoner.

—12

Nays: Reps.: Boles, Cheatwood and Lewis.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 546. To amend further Act No. 929, Section 676, Regular Session 1971 (Acts 1951, Page 1579), as extensively amended by act no. 1272, Section 620, Regular Session 1973 (Acts 1973, Page 2124), and other amendatory acts, which relate to the establishment of a pension and relief or retirement and relief system for officers, employees, or their dependents, of any city having a population of 250,000 according to the 1970 or any subsequent federal decennial census, so as to allow participants therein to purchase credit for certain of their prior unclassified service with the city.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 17; Nays 2.

Yeas:

Reps.: Amari, Bennett, Boles, Cabaniss, Cheatwood, Gafford, Hilliard, Horn, Howard, Jackson, Moore, Nevett, Olive, Seibels, Trammell, Tucker and Waggoner.

—17

Nays: Reps.: Lewis and Payne.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Bennett to suspend the rules in order to take up out of order the bill, H. 901, was lost, lacking a four-fifths vote.

Yeas 12; Nays 6.

Yeas:

Reps.: Amari, Bennett, Cabaniss, Gafford, Harrison, Horn, Jackson, Nevett, Olive, Seibels, Tucker and Waggoner.

—12

Nays: Reps.: Boles, Cheatwood, Howard, Lewis, Payne and Trammell. —6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Hilliard to suspend the rules in order to take up out of order the bill, H. 930, was lost, lacking a four-fifths vote.

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Yeas 12; Nays 5.

Yeas:

Reps.: Amari, Bennett, Cabaniss, Gafford, Hilliard, Horn, Howard, Nevett, Payne, Seibels, Tucker and Waggoner.

—12

Nays: Reps.: Boles, Cheatwood, Lewis, Olive and Trammell.

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Hilliard to suspend the rules in order to take up out of order the bill, H. 929, was lost, lacking a four-fifths vote.

Yeas 11; Nays 5.

Yeas:

Reps.: Amari, Bennett, Cabaniss, Hilliard, Horn, Howard, Nevett, Payne, Seibels, Tucker and Waggoner.

—11

Nays: Reps.: Boles, Cheatwood, Lewis, Olive and Trammell.

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Hilliard to suspend the rules in order to take up out of order the bill, H. 676, was lost, lacking a four-fifths vote.

Yeas 11; Nays 8.

Yeas:

Reps.: Amari, Bennett, Harrison, Hilliard, Horn, Howard, Jackson, Nevett, Seibels, Tucker and Waggoner.

—11

Nays:

Reps.: Boles, Cabaniss, Cheatwood, Lewis, Moore, Olive, Payne and Trammell.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Boles, the rules were suspended in order to take up out of order the bill, H. 773.

Yeas 15; Nays 1.

Yeas:

Reps.: Amari, Bennett, Boles, Cabaniss, Cheatwood, Gafford, Howard, Jackson, Lewis, Nevett, Olive, Payne, Seibels, Trammell and Waggoner.

—15

Nay: Rep. Horn.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 773. Relating to Jefferson County; providing further for the salary of the tax assessor.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 18; Nays 0.

Yeas:

Reps.: Amari, Bennett, Boles, Cabaniss, Cheatwood, Gafford, Hilliard, Horn, Howard, Jackson, Lewis, Moore, Nevett, Olive, Payne, Seibels, Trammell and Waggoner.

—18

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Jackson to suspend the rules in order to take up out of order the bill, H. 1092, was lost.

Yeas 6; Nays 9.

Yeas: Reps.: Cabaniss, Hilliard, Horn, Jackson, Nevett and Tucker. —6

Nays:

Reps.: Amari, Cheatwood, Gafford, Lewis, Moore, Olive, Payne, Trammell and Waggoner.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Harrison to suspend the rules in order to take up out of order the bill, H. 964, was lost, lacking a four-fifths vote.

Yeas 8; Nays 4.

Yeas:

Reps.: Bennett, Cabaniss, Hilliard, Horn, Nevett, Payne, Seibels and Waggoner.

—8

Nays: Reps.: Cheatwood, Lewis, Olive and Trammell.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Bennett to suspend the rules in order to take up out of order the bill, H. 1085, was lost, lacking a four-fifths vote.

Yeas 10; Nays 5.

Yeas:

Reps.: Amari, Bennett, Cabaniss, Gafford, Lewis, Nevett, Olive, Payne, Seibels and Waggoner.

—10

Nays: Reps.: Cheatwood, Horn, Jackson, Trammell and Tucker.

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 859. Relating to the Twenty-third Judicial Circuit consisting of Madison County; to provide for the parking of jurors and to provide for the assessment, collection and use of additional taxes as court costs and to further provide for the distribution of such taxes to defray the expense of juror and criminal witness parking.

Also:

H. 911. To amend Act No. 1862, H. 2686, Regular Session 1971 (Acts, p. 3024), relating to all counties having population of not less than 175,000 nor more than 300,000, so as to authorize the Director of the County License Department created thereunder to charge and collect a fee not to exceed \$1.00 for each motor vehicle license tag issued by mail in addition to all other fees prescribed by law; and repealing conflicting laws.

Also:

H. 932. Proposing an amendment to the Constituion of Alabama to provide for fire protection in Lee County; to authorize the establishment of firefighting districts for fire protection services.

Also:

H. 933. To authorize the Russell County Commission to levy a privilege or license tax on persons, corporations, co-partnerships, companies, agencies and associations selling, distributing, or delivering any malt or brewed beverages to retailers in Russell County except within the city limits of Phenix City and Hartsboro and two cents in the Phenix City police jurisdiction, to authorize the county commission to collect the tax and to effect distribution thereof to Russell County to be used for the county school system and the county general fund; to authorize the county commission to make rules and regulations to govern enforcement and collection of the tax; and to provide for the use of the proceeds derived from the tax.

Also:

H. 988. To Amend Act Number 940, H. 1956, 1973 Regular Session (1973 Acts, p. 1445) entitled "An Act Relating to Madison County and the Twenty-third Judicial Circuit; pertaining to Solicitor's or District Attorney's Fund" so as to further regulate the distribution of such fund.

Also:

H. 1012. Relating to Chambers County; to authorize the county commission to impose a privilege or license tax upon the sale, use or consumption of malt or brewed beverages; to provide for the administration and enforcement of this act; and to provide for the rate and distribution of the proceeds of the tax.

Also:

H. 1019. To authorize the Wilcox County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost therefor, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

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Also:

H. 1038. Relating to Choctaw County; to provide for an advisory only referendum on the question of the manner of selection of the county superintendent of education.

Also:

H. 1039. Relating to Sumter County; providing for the life saving standard that any person hunting deer with guns wear "hunter orange" and providing certain exceptions.

Also:

H. 1040. To authorize the Perry County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 1041. Relating to Perry County; authorizing the County commission to change its day of regular meeting of the Commission from the second and fourth Monday of each month as specified in Code of Alabama 1975, Title 11, Chapter 3, Section 8, to the second and fourth Tuesday of each month.

Also:

H. 1042. Relating to Perry County; authorizing the county commission to levy an additional privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages outside the municipal limits of Marion and Uniontown; and to provide for the distribution of the proceeds of said tax.

Also:

H. 1043. Relating to Clay County; providing further for the compensation of election officials.

Also:

H. 1046. Relating to Geneva County; providing that the Geneva County Commission or like governing body of Geneva County shall be authorized to levy sales and use taxes generally paralleling the state sales and use taxes with the same and additional exemptions and exclusions; providing for the collection of the revenue from said taxes; providing for the distribution of said revenue; providing that any such taxes may be levied in Geneva County as a whole or that there may be excluded from any such levy any incorporated municipality in Geneva County in which the general administration and supervision of public schools shall be vested in a city board of education; and providing for the discretionary holding of an advisory referendum.

Also:

H. 1058. Relating to Tallapoosa County; removing raccoons and foxes from the category of fur-bearing animals.

Also:

H. 1059. Relating to Baldwin County; authorizing the county commission to protect the historic and preservation districts; creating certain agencies to promote the preservation of such districts which are located or are to be located in the designated historic districts; and adopting other provisions necessary to effect the purposes of this act.

Also:

H. 1060. Relating to Baldwin County; to provide further for the compensation of election officers.

Also:

H. 1061. Relating to Baldwin County; to regulate and control the operation and licensing of massage parlors and to provide penalties for violation.

Also:

H. 1062. Relating to Baldwin County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 618. To amend Section 20-2-93, Code of Alabama, 1975, relating to forfeitures & seizures connected with violations of the Uniform Alabama Controlled Substances Act, by amending Section 20-2-93 to include money, negotiable instruments, or any other property in the list of things being subject to forfeiture if used or intended to be used in the sale or receipt of controlled substances.

Was read a third time at length and passed.

Yeas 65; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Blake, Boles, Bowling, Cabaniss, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Patton, Pegues, Penry, Rains, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Ward, Wyatt and Zoghby.

—65

Nay: Rep. Langford.

—1

RULE SUSPENDED

On motion of Rep. McKee, Rule 4(4) was suspended to permit the bill, H. 618, being other than a local or general bill of local application to be sent to the Senate.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Blake, Boles, Bowling, Cabaniss, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Johnson (R. G.), Kennedy, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Pegues, Penry, Rains, Ray, Reed, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Wyatt and Zoghby.

—66

And the bill:

H. 1102. Relating to Cleburne County; providing further for the compensation of election officials.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bennett, Blake, Bowling, Cabaniss, Campbell, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Harper (O), Harvey, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Pegues, Rains, Ray, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Whatley and Wyatt.

—58

And the bill:

H. 685. Proposing an amendment to Constitutional Amendment CCCLI which was proposed by Act No. 545, Regular Session, 1975, and proclaimed ratified by the Governor of Alabama on January 22nd, 1976, as amended, relating to the authorization of the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitos, rodents and other vectors of public health and welfare significance.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Blake, Boles, Bowling, Buskey, Cabaniss, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Horn, Johnson (Roy), Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis and Wyatt.

—70

And the bill:

H. 1144. To amend further Section 1 of Act No. 440, S. 186, Special Session 1966 (Acts 1966, p. 597) relating to the Sheriff's Department and counties having populations of not less than 300,000 nor more than 500,000.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Blake, Bowling, Cabaniss, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Letson, McKee, McMillan, Manley, Mitchell, Moore, Olive, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Trammell, Turner, Venable, Waggoner, Ward, Whatley, Wyatt and Zoghby.

—58

And the bill:

H. 619. (With Substitute) (With Amendment): To prohibit the possession or carrying of firearms in any building where alcoholic beverages are sold or at any such premises which is licensed for such purposes by any agency of the State of Alabama or by any county, municipality or political subdivision thereof, and to provide a form indictment for same.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To prohibit the possession or carrying of firearms in any building where alcoholic beverages are sold or at any such buildings which are licensed for such purposes by any agency of the State of Alabama or by any county, municipality or political subdivision thereof, and to provide a form indictment for same.

Be It Enacted by the Legislature of Alabama:

SECTION I. It shall be unlawful for any person other than those specifically exempted from the provisions of this act to possess or carry any firearm in any building not specifically exempted by this act where alcoholic beverages are sold or at any such buildings which are licensed for such purposes by any agency of the State of Alabama or by any county, municipality, or other political subdivision thereof.

SECTION II. The definition of "building" in Section 13A-7-1 applies to this Section.

SECTION III. The lawful issuance or possession of a valid pistol permit shall not be deemed a defense to any criminal action brought under the provisions of this act unless otherwise specifically exempted herein.

SECTION IV. The provisions of this act shall not apply to any person gainfully employed as a law enforcement officer by any law enforcement agency of this state or by any county, municipality, or political subdivision thereof, or to any person charged by law with the enforcement of the criminal laws of this state.

SECTION V. The provisions of this act shall not apply to proprietors of such buildings or to their employees while they are actively engaged in the performance of their duties, provided however, such proprietor or employees are not otherwise prohibited from possession or carrying firearms by other laws of the State of Alabama.

SECTION VI. The provisions of this act shall apply to all places or buildings where alcoholic beverages are sold or purchased, except those places or buildings which possess a license from any agency of the State of Alabama or county, or municipality or other political subdivision thereof exclusively for the sale of such beverages for off-premises consumption.

SECTION VII. Any person violating the provisions of this act shall be guilty of a Class "C" felony.

SECTION VIII. It shall be sufficient at law for an indictment under the provisions of this act to allege and read as follows:

STATE OF ALABAMA

_____ COUNTY

_____ TERM _____ A.D.

"A", whose name is to the Grand Jury otherwise unknown, did, prior to the finding of this indictment, feloniously and unlawfully possess or carry a firearm in a building, to-wit: (description of place) a better description of which is unknown to the Grand Jury, where alcoholic beverages are sold, the said "A" not otherwise being exempted by law, against the peace and dignity of the State of Alabama.

SECTION IX. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

SECTION X. The provisions of this act are severable. If any part of this act is declared unconstitutional, such declaration shall not affect that part which remains.

SECTION XI. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law.

And the substitute was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Bowling, Cabaniss, Clark (G), Clark (W), Cobb, Cooley, Cosby, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Johnson (R. G.), Kelley, Kennedy, Laird, McKee, McMillan, Moore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren and Whatley.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend the Judiciary Committee substitute for H. B. 619, Section VII, page 2, on line 35, by striking the word "felony" where said word appears thereon and insert in lieu thereof the word "misdemeanor".

Futher amend the substitute for H. B. 619, Section VIII, page 3, line 14, by deleting the word "feloniously"; on line 15 of said Section VIII delete the word "and".

And the amendment was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Buskey, Cabaniss, Clark (G), Clark (W), Cobb, Cooley, Cosby, Dial, Drinkard, Edwards, Ford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Horn, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Naramore, Nevett, Olive, Owens, Pegues, Penry, Ray, Riddick, Sandusky, Seibels, Shoemaker, Smith (C), Stewart, Trammell, Turner, Turnham, Venable, Ward, Warren and Whatley.

—53

H. 619 TEMPORARILY POSTPONED

On motion of Rep. Roberts, the bill, H. 619 as amended, was temporarily postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 1065. Relating to Baldwin County; to provide for the salary of the Judge of Probate.

Also:

H. 1078. Relating to Sumter County; to provide for a \$100 expense allowance in lieu of mileage to be paid monthly to the members of the Sumter County Board of Education.

Also:

H. 1082. Relating to Greene County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 1087. Relating to Sumter County to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds; providing penalties for violations of this act; and providing that the terms of this act shall not become effective unless approved by the electors of Sumter County at a referendum election held for such purpose.

Also:

H. 785. To alter or rearrange the boundary lines of the Town of Branchville, St. Clair County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in St. Clair County, Alabama.

Also:

H. 906. Relating to Marion County; to amend Act No. 80-126, H. B. 603, 1980 Regular Session, entitled "An Act Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations," so as to provide further for said disposal.

Also:

H. 1023. Relating to Macon County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such county; and to provide penalties for violations.

Also:

H. 1024. Relating to Macon County; to provide for the clerical assistance to the tax assessor; and to make this act retroactive to October 1, 1979.

Also:

H. 1025. Relating to Macon County; to provide for the clerical assistance to the tax collector; and to make this act retroactive to October 1, 1979.

Also:

H. 1044. To extend, alter and rearrange the boundaries and corporate limits of the City of Sheffield so as to annex certain contiguous territory to the City of Sheffield.

Also:

H. 1051. Relating to Lamar County; to further provide for the compensation and expense allowances of certain members of the county commission.

Also:

H. 1052. Relating to Lamar County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

McDOWELL LEE,
Secretary.

MOTION TO SUSPEND RULE

Rep. Manley offered the motion to suspend Rule 4(4) to permit the bill, H. 630 as amended, being other than a local or general bill of local application to be sent to the Senate.

SUBSTITUTE MOTION TABLED

On motion of Rep. Manley, the substitute motion offered by Rep. Johnson (Roy), to temporarily postpone the bill, H. 630 as amended, was tabled.

Yeas 63; Nays 21.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bowling, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Harvey, Holley, Johnson (R. G.), Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Owens, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Zoghby.

—63

Nays:

Reps.: Albright, Boles, Cheatwood, Cobb, Coburn, Cooley, Gilmer, Hall, Hilliard, Horn, Howard, Johnson (Roy), Mitchell, Naramore, Nevett, Olive, Rains, Reed, Smith (C), Turner and Wyatt.

—21

MOTION TO SUSPEND RULE LOST

The question was then on the motion offered by Rep. Manley to suspend Rule 4(4) to permit the bill, H. 630 as amended, being other than a local or general bill of local application to be sent to the Senate was lost, lacking a four-fifths vote.

Yeas 70; Nays 18.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Owens, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—70

Nays:

Reps.: Albright, Blake, Boles, Cates, Cheatwood, Cobb, Coburn, Hall, Howard, Johnson (Roy), Naramore, Nevett, Olive, Rains, Reed, Tucker, Turner and Wyatt.

—18

And the bill:

H. 1004. To amend Section 34-8-22 of the Code of Alabama 1975 relating to the state licensing board for general contractors so as to further provide for the per diem of the members of the board.

Was read a third time at length and passed.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Blake, Bowling, Buskey, Cabaniss, Carothers, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Owens, Patton, Pegues, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

—71

RULE SUSPENDED

On motion of Rep. Turnham, Rule 4(4) was suspended to permit the bill, H. 1004, being other than a local or general bill of local application to be sent to the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Reed:

H. R. 288. REQUESTING PRESIDENT CARTER AND SECRETARY BERGLAND TO PROMOTE CONGRESSIONAL ACTION NECESSARY FOR FUNDING OUR NATION'S FOOD STAMP PROGRAM.

WHEREAS, because of undue and unwarranted congressional delay, our nation's food stamp program is facing a funding crisis that threatens suspension of all benefits to eligible and needy recipients; and

WHEREAS, the Alabama House of Representatives, in concern for the welfare of more than twenty million low-income Americans, is most particularly aware of the needs of some 600,000 Alabamians who are substantially dependent upon food stamp benefits; and

WHEREAS, for the fiscal year 1978-79, federal funding for Alabama totalled nearly 7 1/4 million dollars with some \$9 million budgeted for the current fiscal year; and

WHEREAS, funds sufficient to continue the federal program until September 30 of this current year will require an additional \$2.65 billion, money which cannot be spent without congressional action to permit the necessary expenditure; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That we most respectfully request President Carter and Agriculture Secretary Bergland to use every possible influence in promoting congressional action for our nation's vital food stamp program.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President Carter and Secretary Bergland with copies also to all members of the Alabama Congressional Delegation in Washington, D.C.

The resolution, H. R. 288, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Reed:

H. J. R. 289. HONORING THE COMMODORES, THE PRIDE OF TUSKEGEE, AND THAT CITY'S MUSICAL GIFT TO THE WORLD.

WHEREAS, it is with great pride and pleasure that the Legislature joins with the City of Tuskegee in paying tribute to the Commodores on May 24, 1980, "Commodores Celebration Day," as proclaimed by Mayor Johnny Ford; and

WHEREAS, even as Tuskegee is a "pride of the growing South," the Commodores are the "Pride of Tuskegee," as this world famous, top musical group had its beginning at Tuskegee Institute in 1967; and

WHEREAS, once born, the Commodores grew and their phenomenal rise to the top has known no bounds; in one six-year period alone, the sensational six commodores had seven "top five" pop singles, five other "top ten" rhythm-and-blues singles and four "top five" albums; and

WHEREAS, while record and album record sales of other artists "go gold," for the Commodores, its triple platinum and, on tour, they are record breakers as well; their U. S., European and world-wide tours are SRO, setting attendance records that may never be broken; and

WHEREAS, it is to be noted that Tuskegee, Alabama, is still "home" to Commodores William King, Ronald La Pread, Thomas McClary, Walter "Clyde" Orange, Lionel Richie, Jr., and Milan Williams; Benny Ashburn, the seventh Commodore, has been the group's personal manager since 1968; and

WHEREAS, Tuskegee's famous Commodores are further to be commended on the personal success of their private lives, maintaining stable family relationships and cherishing their close hometown ties; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Commodores of Tuskegee, Alabama, and voice our deep appreciation for the fame and honor their "Midnight Magic" has brought to their city and to the entire State of Alabama as well.

BE IT FURTHER RESOLVED, That on Commodores Celebration Day, each of the Commodores be presented with a copy of this resolution, tendered in appreciation and praise, and as evidence of our warm personal regards.

The resolution, H. J. R. 289, was read and referred to the Standing Committee on Rules.

CO-SPONSORS ADDED

Reps. Naramore and Turner were added as co-sponsors to the resolution, H. J. R. 289.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 1057. Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 1071. Relating to selling and redeeming lands for taxes in Bibb County, Alabama.

Also:

H. 1072. Relating to Bibb County; to provide for the expense allowance of the coroner.

Also:

H. 1090. To exempt the Bullock County Health Services, Inc., from the payment of all county and municipal sales and use taxes.

Also:

H. 1091. To exempt the Bullock County Ambulance Service, Inc., from the payment of all county and municipal sales and use taxes.

Also:

H. 1048. To provide an expense allowance for the Circuit Court Register in Winston County.

Also:

H. 1049. Relating to Morgan County; amending further Act No. 520, H. 1154, Regular Session 1965 (Acts 1965, p. 762), relative to establishing a jury commission for the county, so as to provide further for the compensation of said commission.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 292. To amend Section 9-13-10, Code of Alabama 1975, which relates to the powers of state forestry commission employees, so as to further provide for said powers.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 859. Relating to the Twenty-third Judicial Circuit consisting of Madison County; to provide for the parking of jurors and to provide for the assessment, collection and use of additional taxes as court costs and to further provide for the distribution of such taxes to defray the expense of juror and criminal witness parking.

Also:

H. 911. To amend Act No. 1862 H. 2686, Regular Session 1971 (Acts, p. 3024), relating to all counties having population of not less than 175,000 nor more than 300,000, so as to authorize the Director of the County License Department created thereunder to charge and collect a fee not to exceed \$1.00 for each motor vehicle license tag issued by mail in addition to all other fees prescribed by law; and repealing conflicting laws.

Also:

H. 933. To authorize the Russell County Commission to levy a privilege or license tax on persons, corporations, co-partnerships, companies, agencies and associations selling, distributing, or delivering any malt or brewed beverages to retailers in Russell County except within the city limits of Phenix City and Hartsboro and two cents in the Phenix City police jurisdiction, to authorize the county commission to collect the tax and to effect distribution thereof to Russell County to be used for the county school system and the county general fund; to authorize the county commission to make rules and regulations to govern enforcement and collection of the tax; and to provide for the use of the proceeds derived from the tax.

Also:

H. 988. To Amend Act Number 940, H. 1956, 1973 Regular Session (1973 Acts, p. 1445) entitled "An Act Relating to Madison County and the Twenty-third Judicial Circuit; pertaining to Solicitor's or District Attorney's Fund" so as to further regulate the distribution of such fund.

Also:

H. 1012. Relating to Chambers County; to authorize the county commission to impose a privilege or license tax upon the sale, use or consumption of malt or brewed beverages; to provide for the administration and enforcement of this act; and to provide for the rate and distribution of the proceeds of the tax.

Also:

H. 1019. To authorize the Wilcox County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in county; and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 1038. Relating to Choctaw County; to provide for an advisory only referendum on the question of the manner of selection of the county superintendent of education.

Also:

H. 1039. Relating to Sumter County; providing for the life saving standard that any person hunting deer with guns wear "hunter orange" and providing certain exceptions.

Also:

H. 1040. To authorize the Perry County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 1041. Relating to Perry County; authorizing the County commission to change its day of regular meeting of the Commission from the second and fourth Monday of each month as specified in Code of Alabama 1975, Title 11, Chapter 3, Section 8, to the second and fourth Tuesday of each month.

Also:

H. 1042. Relating to Perry County; authorizing the county commission to levy an additional privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages outside the municipal limits of Marion and Uniontown; and to provide for the distribution of the proceeds of said tax.

Also:

H. 1043. Relating to Clay County; providing further for the compensation of election officials.

Also:

H. 1046. Relating to Geneva County; providing that the Geneva County Commission or like governing body of Geneva County shall be authorized to levy sales and use taxes generally paralleling the state sales and use taxes with the same and additional exemptions and exclusions; providing for the collection of the revenue from said taxes; providing for the distribution of said revenue; providing that any such taxes may be levied in Geneva County as a whole or that there may be excluded from any such levy any incorporated municipality in Geneva County in which the general administration and supervision of public schools shall be vested in a city board of education; and providing for the discretionary holding of an advisory referendum.

Also:

H. 1058. Relating to Tallapoosa County; removing raccoons and foxes from the category of fur-bearing animals.

Also:

H. 1059. Relating to Baldwin County; authorizing the county commission to protect the historic and preservation districts; creating certain agencies to promote the preservation of such districts which are located or are to be located in the designated historic districts; and adopting other provisions necessary to effect the purposes of this act.

Also:

H. 1060. Relating to Baldwin County; to provide further for the compensation of election officers.

Also:

H. 1061. Relating to Baldwin County; to regulate and control the operation and licensing of massage parlors and to provide penalties for violation.

Also:

H. 1062. Relating to Baldwin County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

Also:

H. 932. Proposing an amendment to the Constitution of Alabama to provide for fire protection in Lee County; to authorize the establishment of firefighting districts for fire protection services.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 271. To express the public policy of the state of Alabama relative to the payment of prevailing minimum wages in the particular area on all projects of the state or its agencies to require that the prevailing wages be

ascertained in advance of such projects and that all bidders therein be bound by these determinations and all contractors be required to comply therewith; to define what is included in the term "wages" and to set forth the method of making the said determinations; to further define the duties of the commissioner of labor; to provide for a board of appeals of the department of labor; and to authorize local governing bodies to make similar requirements in their contracts for public works.

Was taken up.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Sasser to indefinitely postpone the bill, H. 271, was lost.

Yeas 36; Nays 52.

Yeas:

Reps.: Adams (C), Bedsole, Cabaniss, Campbell, Carothers, Cates, Clark (G), Cosby, Gafford, Gilmer, Gregg, Grouby, Hammett, Harper (T), Harvey, Johnson (R. G.), Laird, Lewis, McKee, Manley, Olive, Owens, Patton, Payne, Pegues, Roberts, Sandusky, Sasser, Seibels, Smith (M), Turnham, Venable, Waggoner, Ward, Wyatt and Zoghby.

—36

Nays:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bennett, Blake, Boles, Buskey, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Dial, Dixon, Drinkard, Ford, Goodwin, Greer, Hall, Harrison, Holley, Holmes, Horn, Howard, Johnson (Roy), Kelley, Kennedy, Langford, Letson, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Penry, Rains, Riddick, Shavers, Shoemaker, Starkey, Stewart, Stout, Trammell, Tucker, Turner, Warren, Williams and Willis.

—52

And the bill, H. 271, was read a third time at length and passed.

Yeas 54; Nays 36.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bennett, Blake, Boles, Buskey, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Drinkard, Edwards, Ford, Goodwin, Greer, Gregg, Hall, Harrison, Hilliard, Holley, Holmes, Horn, Howard, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Penry, Rains, Riddick, Shavers, Shoemaker, Starkey, Stout, Trammell, Tucker, Turner, Warren, Williams, Willis and Zoghby.

—54

Nays:

Reps.: Adams (C), Bedsole, Cabaniss, Campbell, Carothers, Cates, Clark (G), Cosby, Dial, Dixon, Gafford, Gilmer, Grouby, Hammett, Harper (T), Johnson (R. G.), Lewis, McKee, Manley, Olive, Owens, Patton, Payne, Pegues, Ray, Roberts, Sasser, Seibels, Smith (M), Stewart, Turnham, Venable, Waggoner, Ward, Whatley and Wyatt.

—36

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Johnson (Roy) to suspend Rule 4(4) to permit the bill, H. 271, being other than a local or general bill of local application, was lost, lacking a four-fifths vote.

Yeas 55; Nays 36.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bennett, Blake, Boles, Buskey, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Hall, Harper (T), Harrison, Hilliard, Holley, Holmes, Horn, Howard, Johnson (Roy), Kelley, Kennedy, Langford, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Penry, Rains, Riddick, Shavers, Shoemaker, Starkey, Stewart, Stout, Trammell, Tucker, Turner, Warren, Williams, Willis, Wyatt and Zoghby.

—55

Nays:

Reps.: Adams (C), Bedsole, Cabaniss, Campbell, Carothers, Cates, Clark (G), Cosby, Dial, Dixon, Gilmer, Gregg, Grouby, Hammett, Harvey, Johnson (R. G.), Letson, Lewis, McKee, Manley, Olive, Owens, Patton, Payne, Pegues, Ray, Roberts, Sandusky, Sasser, Seibels, Smith (M), Turnham, Venable, Waggoner, Ward and Whatley.

—36

And the bill:

H. 698. To establish a student assistance program in the State of Alabama to be known as the Alabama Guaranteed Student Loan Program, which will guarantee loans made by approved lenders to residents of Alabama who are attending or plan to attend eligible institutions in the State or elsewhere, for the purpose of assisting them in meeting educational expenses; to set forth legislative findings and purposes underlying the Program; to designate the Alabama Commission on Higher Education to administer the program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to provide for periodic auditing of approved institutions; to provide a penalty for false statements or misrepresentation in connection with the program; to establish continuance of the Program; to designate the Attorney General as legal counsel for the Program; to authorize a total sum of no more than Two Hundred and Fifty Thousand Dollars (\$250,000.00) to be transferred from the Alabama Student Assistance Program; to provide for severability; to repeal conflicting laws; and to provide an effective date.

Was read a third time at length and passed.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Blake, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Jackson,

REGULAR SESSION
28th Day

2045

Johnson (R. G.), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—85

RULE SUSPENDED

On motion of Rep. Bennett, Rule 4(4) was suspended to permit the bill, H. 698, being other than a local or general bill of local application to be sent to the Senate.

CO-SPONSORS ADDED

Reps. Reed and Drinkard were added as co-sponsors to the bill, H. 698.

And the bill:

H. 711. To provide for the confiscation and sale of seafoods cargos where such cargos have been taken in violation of the laws and regulations pertaining to the harvest of seafoods, and for the disposition of the proceeds of such sales.

Was taken up.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Penry to indefinitely postpone the bill, H. 711, was lost.

Yeas 16; Nays 41.

Yeas:

Reps.: Cheatwood, Cooley, Daniels, Drinkard, Ford, Hilliard, Howard, Langford, McMillan, Nevett, Penry, Reed, Shavers, Turner, Wyatt and Zoghby.

—16

Nays:

Reps.: Albright, Bedsole, Bennett, Blake, Carothers, Cates, Clark (G), Cosby, Crow, Dixon, Edwards, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Johnson (R. G.), McKee, Manley, Minus, Mitchell, Moore, Pegues, Ray, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turnham, Venable, Warren, Williams and Willis.

—41

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolution, your signature thereto is requested:

S. 129. Relating to Macon County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Also:

S. 511. Relating to the City of Foley in Baldwin County; authorizing the utilities board of the City of Foley to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this Act from the jurisdiction and control of the Alabama Public Service Commission.

Also:

S. 564. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Also:

S. J. R. 175. CONTINUING AND RE-ORGANIZING AN INTERIM COMMITTEE ON MUNICIPAL GOVERNMENT.

Also:

S. 466. To amend Section 22-28-23, Code of Alabama 1975, (Alabama Air Pollution Control Act) in order to remove the authority of municipal governing bodies to exercise air pollution control jurisdiction over agricultural and farming operations conducted within the corporate limits or police jurisdiction of such municipality.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolution, the titles of which are set out in the above and foregoing Message from the Senate.

REGULAR SESSION
28th Day

2047

H. 711 RESUMED

And the bill, H. 711, was read a third time at length and passed.

Yeas 54; Nays 12.

Yeas:

Mr. Speaker, Albright, Bedsole, Bennett, Blake, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Cosby, Crow, Dial, Dixon, Edwards, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Hilliard, Holley, Howard, Johnson (R. G.), Kennedy, Laird, McKee, Manley, Minus, Mitchell, Moore, Nevett, Owens, Payne, Pegues, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Venable, Ward, Williams, Willis and Wyatt.

—54

Nays:

Reps.: Cooley, Daniels, Drinkard, Ford, Harvey, Langford, McMillan, Penry, Shavers, Stout, Turner and Warren.

—12

MOTION TO SUSPEND RULE LOST

The motion offered by Rep. Harper (T) to suspend Rule 4(4) to permit the bill, H. 711, being other than a local or general bill of local application to be sent to the Senate, was lost, lacking a four-fifths vote.

Yeas 44; Nays 15.

Yeas:

Mr. Speaker, Albright, Bedsole, Bennett, Blake, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Cosby, Crow, Dixon, Edwards, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Hilliard, Howard, McKee, Manley, Minus, Mitchell, Moore, Nevett, Owens, Pegues, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Venable, Williams, Willis and Zoghby.

—44

Nays:

Reps.: Cooley, Daniels, Drinkard, Ford, Harvey, Langford, McMillan, Penry, Shavers, Smith (C), Stout, Tucker, Turner, Warren and Wyatt.

—15

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 576. To further provide for Capitol security police officers; to provide that the director of public safety shall employ, supervise and direct such personnel; to provide for the powers, duties and jurisdiction of such security police officers; to provide for the compensation and benefits for such officers;

to transfer all persons presently employed as Capitol security policemen to department of public safety; to provide that said officers shall be within the merit system; to transfer all materials, equipment, vehicles, and other property of whatsoever nature now used by such officers to the department of public safety; to provide that the director of finance shall furnish suitable office space for such security officers; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security, for the fiscal year ending September 30, 1980; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security, for the fiscal year ending September 30, 1981; to amend Section 41-4-180 and to specifically repeal sections 41-4-182, 41-4-183, 41-4-184 and 41-4-185 of the Code of Alabama 1975, so as to remove the Capitol security police from the jurisdiction of the finance director; and to repeal conflicting laws.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Smith (M), the House concurred in and adopted the Senate amendment to the bill, H. 576, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To further provide for Capitol security police officers; to provide that the director of public safety shall employ such personnel; to provide for the powers, duties and jurisdiction of such security police officers; to provide for the compensation and benefits for such officers; to transfer all persons presently employed as Capitol security policemen to department of public safety; for the purposes of this Act only to provide that said officers shall be within the merit system; to transfer all materials, equipment, vehicles, and other property of whatsoever nature now used by such officers to the department of public safety; for purposes of this Act only to provide that the director of finance shall furnish suitable office space for such security police officers; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security, for the fiscal year ending September 30, 1980; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security police for the fiscal year ending September 30, 1981; to amend Section 41-4-180 and to specifically repeal sections 41-4-182, 41-4-183, 41-4-184 and 41-4-185 of the Code of Alabama 1975, so as to remove the Capitol security police from the jurisdiction of the finance director; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-4-180 of the Code of Alabama 1975, is hereby amended to read as follows:

"Section 41-4-180. There shall be in the department of finance the division of service. The functions and duties of the division of service shall be as follows:

"(1) To provide for the stamping and mailing for each state department, board, bureau, commission, agency and office located and operating in the city of Montgomery and to operate a central mailing room or rooms and service for said departments, boards, bureaus, commissions, agencies and offices. The director of finance shall direct the delivery of mail to such mailing room or rooms by such of said departments, boards, bureaus, commissions, agencies and officers offices as he may see fit, ready to be delivered to the United States post office, except that it shall not be stamped with postage stamps or by means of a postage meter. Every piece of mail, when so delivered, shall bear the name of the department, board, bureau, commission, agency or office of the state sending it, and all mail received in a mailing room shall be properly stamped with postage stamps or passed through an authorized postage meter and then delivered to the United States post office. The chief of the division of service shall cause an accurate account to be kept of all pieces of mail from and the postage used on account of each department, board, bureau, commission, agency and office of the state, and the cost of such postage shall be charged by the comptroller against its appropriation for such purpose. Such central mailing rooms shall be conveniently located and shall be kept open for business as long as may be necessary to dispose of all outgoing mail daily. The expenditure of any state funds for postage by any department, board, bureau, commission, agency or office of the state required to deliver its mail to a central mailing room (other than the department of finance) shall be unlawful. This section shall not, however, prevent the stamping or metering of envelopes for the transmittal of unemployment compensation warrants and warrants for the payment of any public assistance benefits in, or the mailing of such envelopes from, the department or departments having charge of the other functions and duties relating to unemployment compensation and public assistance.

"(2) To provide exclusively for all telephone service for each state department, board, bureau, commission, agency and office located and operating in the city of Montgomery and make all contracts and agreements in relation to the telephone service to each of the departments, boards, bureaus, commissions, agencies and offices of the state located and operating in the city of Montgomery. Insofar as practicable, all telephones shall be connected through a central switchboard or switchboards, into which there may be as many trunk lines as the business of the state justifies. The telephone expense of each such department, board, bureau, commission, agency or office of the state shall be charged by the comptroller against its appropriation for such purpose.

"(3) To provide exclusively for all clerical and stenographic services to all state departments, boards, bureaus, commissions, agencies and offices located in the city of Montgomery for a part-time or emergency needs, and to operate and maintain a central clerical and stenographic pool for the purpose of providing each department, board, bureau, commission, agency and office of the state located and operating in the city of Montgomery will all part-time and emergency employees.

"(4) To manage, supervise, maintain, repair, improve, light, heat and clean the capitol and all buildings and property owned or leased by the state in the city of Montgomery, including monuments and historical sites. In any case in which an appropriation has been or shall be made for such purposes to any department, board, bureau, commission, agency or office of the state for such purpose, the expenses of such services for buildings or property used by it shall be charged by the comptroller to such department, board, bureau, commission, agency or office.

"(5) With the approval of the Governor, to allocate space in the capitol and in all buildings owned or leased by the state in the city of Montgomery for the use of the departments, boards, bureaus, commissions, agencies and offices of the state.

"(6) To provide a guard, watchman and police service for the capitol and the other buildings and property owned or leased by the state and located in the city of Montgomery.

"(7) (6) With the approval of the governor, to transfer between departments, boards, bureaus, commissions, agencies, offices and institutions of the state any furniture, fixtures, supplies, material, equipment or other personal property.

"(8) (7) To sell, exchange or otherwise dispose of any personal property of the state determined by the director of finance not to be needed for public use or to have become unsuited for such use.

"(9) (8) To perform such other functions and duties of the department of finance as may from time to time be assigned, by the director of finance."

Section 2. (a) The director of Public Safety shall employ the necessary capitol security police officers to preserve order and protect and save from injury state employees and property at the capitol and all other state buildings and buildings occupied by state departments and agencies in the State of Alabama.

(b) Provided, however, the Legislative Fiscal Committee shall designate the capitol security police chief to supervise and direct such capitol security police officers, and to prescribe their duties. The persons presently employed and functioning in their positions as capitol security officers, who are members of the State merit system or who are on provisional appointment, shall be encompassed within this act, including all persons performing the duties of officers, supervisors and capitol security police chief, and they shall continue to receive the benefits, salary range and advancement at no less than those enjoyed prior to the passage of this act. Such present employees remaining in their respective positions shall be considered to meet the requirements of the Capitol Security Police Department in terms of education, training and experience, and shall automatically be placed within the state merit system with all the rights and privileges thereof and shall enjoy the same employment and retirement privileges and rights as the legislature may determine from time to time or as may be otherwise determined by law or administrative rule or regulation according to the rules and regulations of the personnel department of the State of Alabama. Provided, however, all present and future capitol security policemen shall meet the Alabama minimum standards for law enforcement officers. However, nothing in this act shall be construed to prohibit the removal of any capitol security police officer for cause in the manner provided by law for employees of the department of public safety classified as state trooper or state highway patrolman. Said capitol security police officers shall be entitled to the same insurance coverage as prescribed in Section 32-2-10 of the Code of Alabama 1975, and retirement as for employees of the department of public safety in their like responsibilities.

Section 3. All capitol security police officers are invested with all powers, rights and privileges of peace officers and shall have powers of arrest and preservation of order. The first responsibility of such officers shall be the security and preservation of order in the capitol and grounds and all other

state buildings and buildings occupied by state departments and agencies in the State of Alabama and preventing injury to the property of the state. The Capitol Security Police Chief shall designate the type and manner of uniform for such officers and the Director of Public Safety shall furnish such security police officers with firearms, ammunition and other equipment necessary to perform their duties.

Section 4. There is hereby appropriated from the general fund of the state treasury a supplemental appropriation in the amount of \$195,500 for the fiscal year ending September 30, 1980, to the department of public safety for the purposes of capitol security police; such amount shall be subtracted from any appropriation heretofore or hereafter made to the department of finance for the said fiscal year. It is the intent of this section to transfer all funds allocated in the department of finance for capitol security police purposes for the current fiscal year.

Section 5. There is hereby appropriated from the general fund of the state treasury a supplemental appropriation in the amount of \$500,000 for the fiscal year ending September 30, 1981, to the department of public safety for the purposes of this act only and for no other. Such amount shall be subtracted from any appropriation heretofore or hereafter made to the department of finance of the said fiscal year. It is the intent of this section to transfer all funds allocated in the department of finance for capitol security police purposes for the fiscal year ending September 30, 1981.

Section 6. The appropriations made in Sections 4 and 5 of this act shall be in addition to any and all funds heretofore or hereafter appropriated to the department of public safety. From the appropriation made to the department of public safety pursuant to this act, the department of public safety shall receive \$5,000 as administrative costs for administering this act.

Section 7. All materials, equipment, vehicles or other property or whatsoever nature heretofore and presently used or designated for use of the capitol security police department shall be transferred forthwith to the department of public safety for purposes of this act only.

Section 8. The director of finance shall furnish suitable office space in the state capitol building for capitol security police personnel which is equal to or better than the space provided prior to the passage of this act.

Section 9. Effective on the date of passage of this act the finance director shall have no further jurisdiction, authority or control over the said capitol security police personnel.

Section 10. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. Sections 41-4-182, 41-4-183, 41-4-184 and 41-4-185 of the Code of Alabama 1975, are hereby specifically repealed, and all laws or parts of laws which are in conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Bedsole, Cabaniss, Clark (W), Crow, Daniels, Drinkard, Ford, Goodwin, Greer, Grimsley, Grouby, Hall, Holmes, Horn, Johnson (R. G.), Kennedy, Langford, McKee, McMillan, Minus,

Moore, Naramore, Nevett, Owens, Penry, Rains, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turnham and Willis.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 576. To further provide for Capitol security police officers; to provide that the director of public safety shall employ such personnel; to provide for the powers, duties and jurisdiction of such security police officers; to provide for the compensation and benefits for such officers; to transfer all persons presently employed as Capitol security policemen to department of public safety; for the purposes of this Act only to provide that said officers shall be within the merit system; to transfer all materials, equipment, vehicles, and other property of whatsoever nature now used by such officers to the department of public safety; for purposes of this Act only to provide that the director of finance shall furnish suitable office space for such security police officers; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security, for the fiscal year ending September 30, 1980; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security police for the fiscal year ending September 30, 1981; to amend Section 41-4-180 and to specifically repeal sections 41-4-182, 41-4-183, 41-4-184 and 41-4-185 of the Code of Alabama 1975, so as to remove the Capitol security police from the jurisdiction of the finance director; and to repeal conflicting laws.

As thus amended, was again read at length and passed.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Cabaniss, Campbell, Carothers, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Goodwin, Greer, Grimsley, Grouby, Hall, Holmes, Horn, Johnson (R. G.), Kennedy, Langford, McKee, Minus, Mitchell, Moore, Naramore, Nevett, Owens, Pegues, Reed, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turnham, Waggoner, Williams and Willis.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 654. To fix the compensation or salary of the treasurer of any county having a population of 600,000 or more according to the last federal census or any subsequent federal census, and to provide for the payment thereof.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Bennett, the House concurred in and adopted the Senate amendment to the bill, H. 654, said Senate amendment being as follows:

Amend H. B. 654, page 1, Section 2, line 11, by striking the words and figure

Thirty Thousand Dollars (\$30,000.00) and insert in lieu thereof the following:

Twenty-seven Thousand Five Hundred (\$27,500.00)

Yeas 35; Nays 0.

Yeas:

Reps.: Adams (H), Albright, Bedsole, Bennett, Boles, Cabaniss, Carothers, Cheatwood, Clark (W), Cosby, Daniels, Gafford, Goodwin, Greer, Grimsley, Hall, Holmes, Howard, Kennedy, McKee, Moore, Nevett, Pegues, Penry, Reed, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Trammell, Turner, Waggoner, Williams and Willis.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 654 as thus amended, was again read at length and passed.

Yeas 50; Nays 0.

Yeas:

Reps.: Adams (H), Albright, Bedsole, Bennett, Boles, Buskey, Cabaniss, Carothers, Cheatwood, Clark (W), Cooley, Crow, Daniels, Drinkard, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Harrison, Harvey, Hilliard, Holmes, Horn, Howard, Kennedy, McKee, McMillan, Moore, Nevett, Owens, Penry, Rains, Ray, Reed, Sasser, Seibels, Shavers, Showmaker, Smith (J), Starkey, Stewart, Trammell, Tucker, Turnham, Whately, Williams and Willis.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 340. To further amend Section 1 of Act No. 458, H. 1175, Regular Session 1975 (Acts of Alabama 1975, p. 1085), as amended, relating to the election of certain assistant county officials of Jefferson County to serve in the branch offices in the City of Bessemer so as to remove the provisions relative to the deputy sheriff; and to specifically repeal Act No. 607, H. 923 and Act No. 661, H. 990, of the 1978 Regular Session (Acts 1978, pp. 863 and 953, respectively), and other conflicting laws.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Boles, the House concurred in and adopted the Senate amendment to the bill, H. 340, said Senate amendment being as follows:

Amend H. B. 340 as substituted and amended, on page 2, Section 1 (a), line 8, by deleting after the word "elected" the following:

"Such officials shall satisfy the same qualifications of those offices in the Jefferson County Courthouse located in Birmingham. This provision shall not apply to any person holding one of these offices at the time this act may become law."

Also on page 2, section 1, line 31, by deleting after the word "vacancy" the following:

"Those voting for the election of the assistant tax collector, assistant tax assessor, deputy treasurer, and assistant probate judge in the Bessemer Court House shall not vote in the elections of the principal county officers."

Yeas 37; Nays 0.

Yeas:

Reps.: Adams (H), Albright, Bennett, Blake, Boles, Cabaniss, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Drinkard, Gafford, Goodwin, Greer, Hall, Harrison, Harvey, Horn, Howard, Johnson (R. G.), Minus, Moore, Nevett, Owens, Pegues, Reed, Sasser, Shavers, Shoemaker, Smith (J), Starkey, Trammell, Tucker, Turner, Whatley and Willis.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 340 as thus amended, was again read at length and passed.

Yeas 8; Nays 7.

Yeas:

Reps.: Boles, Cheatwood, Howard, Nevett, Owens, Sasser, Seibels and Trammell.

—8

Nays:

Reps.: Cabaniss, Hilliard, Horn, Moore, Payne, Tucker, and Waggoner.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Reed:

H. R. 290. HONORING THE COMMODORES, THE PRIDE OF TUSKEGEE, AND THAT CITY'S MUSICAL GIFT TO THE WORLD.

RULES SUSPENDED

And the bill:

H. 630. To create a Department of Resource Development to consolidate, coordinate and administer environmental programs within the State; to provide that hearing officers within the Department will hear and decide appeals of Department actions and creates a Board of Appeals to review decisions of hearing officers and to hold public hearings.

To create the Division of Surface Mining Control and Reclamation within the Department of Resource Development to administer the State's regulatory program regarding surface coal mining activities in accordance with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87; to enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and to make the state eligible for federal funding to develop and implement programs to achieve these purposes.

To establish a state program of abandoned mine land reclamation pursuant to the Federal Surface Mining Control and Reclamation Act. To create the Division of Abandoned Mine Land Reclamation within the Department to administer the State reclamation program; to provide for an annual application procedure to the Secretary of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry onto abandoned mine lands; to provide for the acquisition and

reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act. To repeal all laws or parts of laws which conflict with this Act.

Was taken up.

On motion of Rep. Manley, Rule 4(4) was suspended to permit the bill, H. 630 as amended, being other than a local or general bill of local application to be sent to the Senate.

Yeas 72; Nays 16.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Cooley, Cosby, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Holley, Holmes, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—72

Nays:

Reps.: Boles, Cheatwood, Coburn, Goodwin, Hilliard, Horn, Howard, Mitchell, Naramore, Nevett, Rains, Smith (C), Smith (M), Tucker, Turner and Wyatt.

—16

SPECIAL ORDER RESUMED

And the bill:

H. 712. To revise the laws pertainint to taking shrimp for bait.

Was taken up.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Turner to indefinitely postpone the bill, H. 712, was lost.

Yeas 9; Nays 42.

Yeas:

Reps.: Cheatwood, Harvey, Howard, Langford, Naramore, Penry, Rains, Turner and Wyatt.

—9

Nays:

Mr. Speaker, Adams (H), Albright, Bedsole, Blake, Bowling, Cabaniss, Carothers, Cates, Clark (G), Cosby, Dial, Dixon, Gregg, Grouby, Hall, Hammett, Harper (T), Harrison, Holley, Johnson (R. G.), McKee, McMillan, Manley, Minus, Mitchell, Olive, Owens, Pegues, Ray, Roberts, Sandusky, Shoemaker, Smith (C), Starkey, Stewart, Venable, Warren, Whatley, Williams, Willis and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 712, was read a third time at length and passed.

Yeas 47; Nays 10.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Bedsole, Blake, Bowling, Cabaniss, Campbell, Carothers, Cates, Clark (G), Cobb, Cosby, Dial, Dixon, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holley, Johnson (R. G.), Laird, Lewis, McKee, Manley, Minus, Mitchell, Olive, Owens, Pegues, Ray, Roberts, Sandusky, Shoemaker, Smith (C), Starkey, Venable, Waggoner, Ward, Williams and Willis.

—47

Nays:

Reps.: Cheatwood, Crow, McMillan, Naramore, Penry, Seibels, Stewart, Turner, Warren and Wyatt.

—10

MOTION TO SUSPEND RULE LOST

The motion offered by Rep. Harper (T) to suspend Rule 4(4) to permit the bill, H. 712, being other than a local or general bill of local application to be sent to the Senate was lost, lacking a four-fifths vote.

Yeas 50; Nays 21.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Bedsole, Blake, Bowling, Cabaniss, Campbell, Carothers, Cates, Clark (G), Cobb, Cosby, Dial, Dixon, Gilmer, Gregg, Grouby, Hall, Hammett, Harper (T), Harrison, Hilliard, Hines, Horn, Howard, Johnson (R. G.), Kelley, Lewis, McKee, Manley, Minus, Mitchell, Olive, Owens, Pegues, Ray, Roberts, Sandusky, Shoemaker, Smith (J), Starkey, Tucker, Venable, Waggoner, Whatley, Williams, Willis and Zoghby.

—50

Nays:

Reps.: Cheatwood, Cooley, Crow, Greer, Grimsley, Harvey, Holley, Laird, Langford, McMillan, Naramore, Penry, Rains, Seibels, Smith (C), Stewart, Stout, Trammell, Turner, Warren and Wyatt.

—21

MESSAGE FROM THE GOVERNOR

To The House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 941 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,
MICHAEL D. WATERS,
Legal Advisor.

Done this 6th day of May, 1980.

To the House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 941 without my signature and approval and with the following suggested Executive Amendment.

Delete Section 6, page 4, lines 5 through 7, and insert in lieu thereof a new section 6 to read as follows:

"Section 6. The proceeds from the tax hereby authorized, less the actual costs of collection not to exceed five per centum (5%) shall be paid by the state Department of Revenue into the County general fund of Bibb County to be expended at the discretion of the county commission."

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,
FOB JAMES

GOVERNOR'S MESSAGE

On motion of Rep. Owens, the House concurred in and adopted the amendment proposed by His Excellency the Governor to the bill, H. 941, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Blake, Bowling, Cabaniss, Carothers, Cates, Clark (G), Cobb, Cooley, Cosby, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Hines, Howard, Johnson (R.G.), Johnson (Roy), Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Seibels, Shavers, Smith (C), Smith (J), Stout, Trammell, Turner, Venable, Waggoner, Whatley, Williams, Willis, Wyatt and Zoghby.

And the bill:

H. 941. Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

As thus amended, was again read at length and passed.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Blake, Bowling, Cabaniss, Carothers, Cates, Clark (G), Cobb, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Seibels, Shavers, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Whatley, Williams, Willis, Wyatt and Zoghby.

—69

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor, concerning House Bill Number 266 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,
MICHAEL D. WATERS,
Legal Advisor.

Done this 6th day of May, 1980.

To the House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 266, without my signature and approval and with the following suggested Executive Amendment.

On page 2, Section 4, delete lines 23 and 24 and insert in lieu thereof the words "on April 1, 1981."

The adoption of the above and foregoing suggested Executive Amendment will remove my objection to this Bill.

Respectfully,
FOB JAMES

GOVERNOR'S MESSAGE

On motion of Rep. Albright, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 266, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Blake, Bowling, Carothers, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harvey, Holley, Horn, Howard, Johnson (R. G.), Kelley, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—69

And the bill:

H. 266. To provide for the sale of non-resident commercial fishing licenses by the department of conservation and natural resources to the residents of certain other states and to require that the proceeds of such licenses be deposited in the game and fish fund of the department of conservation and natural resources.

As thus amended, was again read at length and passed.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Blake, Bowling, Carothers, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harvey, Holley, Horn, Howard, Johnson (R. G.), Kelley, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—69

SPECIAL ORDER RESUMED

And the bill:

H. 741. To amend Sections 43-3-10 and 43-3-12 of the Code of Alabama 1975, so as to further provide for the descent and distribution of property of persons dying intestate.

Was read a third time at length and passed.

Yeas 64; Nays 3.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Hammett, Harper (O), Harrison, Holley, Horn, Johnson (R. G.), Kelley, Laird, Langford, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—64

Nays: Reps.: Cooley, Rains and Wyatt.

—3

RULE SUSPENDED

On motion of Rep. Bennett, Rule 4(4) was suspended to permit the bill, H. 741, being other than a local or general bill of local application to be sent to the Senate.

CO-SPONSOR ADDED

Reps. Smith (J) and Zoghby were added as co-sponsors to the bill, H. 741.

And the bill:

H. 542. (With Amendment) To enact into law the "Alabama Energy Management and Conservation Act of 1980"; to make a legislative finding that the development and management of energy resources requires a comprehensive and coordinated effort on the part of the state; to create an Alabama Department of Energy within the executive branch to be administered by a director to be appointed by the Governor; to prescribe the Department's duties which are to formulate a state energy policy, to report regularly to the Governor and annually to the legislature, to inventory the state's energy requirements and supplies, to formulate a state energy management program, to formulate an energy emergency plan, to monitor and/or administer energy related programs, to serve as an energy information clearinghouse, to keep proprietary information confidential, to administer educational and training programs, to review state government energy practices, to assist state institutions when applying for energy related contracts, to review the state's revenue-producing practices for their impact on energy use and development, to provide for research, to receive federal and private funds, to enter into contracts, and to promulgate rules requiring the submission of energy related information, and to ensure energy conservation in state government, and to establish advisory groups; to create an Energy Advisory Council for purposes of evaluating state energy policy and advising the department; to provide for the assumption of the Energy Management Board's funds and contract; to provide for funding through appropriations from the general fund; and to prescribe sanctions for persons violating the provisions of the act.

Was taken up.

S.286 SUBSTITUTED FOR H. 542

On motion of Rep. Turnham, the bill, S. 286 was substituted for the bill, H. 542 with pending amendment reported by the Standing Committee on Ways and Means.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 785. To alter or rearrange the boundary lines of the Town of Branchville, St. Clair County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in St. Clair County, Alabama.

Also:

H. 906. Relating to Marion County; to amend Act No. 80-126, H. B. 603, 1980 Regular Session, entitled "An Act Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations," so as to provide further for said disposal.

Also:

H. 1023. Relating to Macon County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such county; and to provide penalties for violations.

Also:

H. 1024. Relating to Macon County; to provide for the clerical assistance to the tax assessor; and to make this act retroactive to October 1, 1979.

Also:

H. 1025. Relating to Macon County; to provide for the clerical assistance to the tax collector; and to make this act retroactive to October 1, 1979.

Also:

H. 1044. To extend, alter and rearrange the boundaries and corporate limits of the City of Sheffield so as to annex certain contiguous territory to the City of Sheffield.

Also:

H. 1051. Relating to Lamar County; to further provide for the compensation and expense allowances of certain members of the county commission.

Also:

H. 1052. Relating to Lamar County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

Also:

H. 1065. Relating to Baldwin County; to provide for the salary of the Judge of Probate.

Also:

H. 1078. Relating to Sumter County; to provide for a \$100 expense allowance in lieu of mileage to be paid monthly to the members of the Sumter County Board of Education.

Also:

H. 1082. Relating to Greene County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 1087. Relating to Sumter County to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds; providing penalties for violations of this act; and providing that the terms of this act shall not become effective unless approved by the electors of Sumter County at a referendum election held for such purpose.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 1048. To provide an expense allowance for the Circuit Court Register in Winston County.

Also:

H. 1049. Relating to Morgan County; amending further Act No. 520, H. 1154, Regular Session 1965 (Acts 1965, p. 762), relative to establishing a jury commission for the county, so as to provide further for the compensation of said commission.

Also:

H. 1057. Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 1071. Relating to selling and redeeming lands for taxes in Bibb County, Alabama.

Also:

H. 1072. Relating to Bibb County; to provide for the expense allowance of the coroner.

Also:

H. 1090. To exempt the Bullock County Health Services, Inc., from the payment of all county and municipal sales and use taxes.

Also:

H. 1091. To exempt the Bullock County Ambulance Service, Inc., from the payment of all county and municipal sales and use taxes.

Also:

H. 292. To amend Section 9-13-10, Code of Alabama 1975, which relates to the powers of state forestry commission employees, so as to further provide for said powers.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

S. 286. (With Amendments): To enact into law the "Alabama Energy Management and Conservation Act of 1980"; to make a legislative finding that the development, management and efficient use of energy resources requires a comprehensive and coordinated effort on the part of the state; to create an Alabama Department of Energy within the executive branch to be administered by a director to be appointed by the Governor; to prescribe the Department's duties which are to formulate a state energy policy, to report regularly to the Governor and annually to the legislature, to inventory the state's energy requirements and supplies, to formulate a state energy management program, to formulate an energy emergency plan to monitor and/or administer energy related programs, to serve as an energy information clearinghouse, to keep proprietary information confidential, to administer educational and training programs, to review state government energy practices, to assist state institutions when applying for energy related contracts, to review the state's revenue-producing practices for their impact on energy use and development, to provide for research, to receive federal and private funds, to enter into contracts, and to promulgate rules requiring the submission of energy related information, and to ensure energy conservation in state government, and to establish advisory groups; to create an Energy Advisory Council for purposes of evaluating state energy policy and advising the department; to provide for the assumption of the Energy Management Boards' funds and contract; to provide for funding through appropriations from the general fund; and to prescribe sanctions for persons violating the provisions of the act.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend Senate Substitute for S. B. 286 as follows:

After line 12, page 4, under Section 2. (i) add the following:

(J) It is the intent of the Legislature that the state shall not enter into the production or distribution of energy in any form.

And the amendment was adopted.

Yeas 57; Nays 1.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Blake, Bowling, Carothers, Cobb, Coburn, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Holmes, Horn, Howard, Johnson (R. G.), Laird, Letson, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Ray, Roberts, Shavers, Smith (M), Stewart, Stout, Trammell, Tucker, Turnham, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—57

Nays: Rep. Cheatwood.

—1

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend Senate Substitute for S.B. 286 on page 4, Section 1 (g) lines 5 and 6 by striking the words "and demonstration".

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Blake, Boles, Bowling, Carothers, Cates, Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Holmes, Horn, Howard, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Pegues, Penry, Ray, Reed, Roberts, Seibels, Shavers, Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—67

The question was then on the amendment No. 3 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend Senate Substitute for S. B. 286 on page 3, Section 1(f) lines 36 and 37 by striking after the word "enjoy" the rest of the sentence.

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Blake, Bowling, Carothers, Cates, Coburn, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Holley, Horn, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Penry, Rains, Ray, Reed, Roberts, Seibels, Shavers, Shoemaker, Smith (J), Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—62

The question was then on the adoption of the amendment No. 4 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend Senate Substitute for S. B. 286 on page 6, Section 4 (14), line 35 by striking the words "and provide for" and add the word "and" after the word encourage.

And the amendment was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Blake, Bowling, Carothers, Cates, Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Laird, Langford, Letson, McMillan, Minus, Moore, Naramore, Olive, Owens, Pegues, Penry, Ray, Reed, Roberts, Seibels, Shavers, Shoemaker, Smith (J), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—65

AMENDMENT OFFERED

Rep. Turnham offered the following amendment to the bill, S. 286 as amended:

Amend S. B. 286 by striking all of paragraph (i) of subsection (1) of Section 8 on page 9 lines 18 and 19 and substitute in lieu thereof the following:

"(i) one representative from the private investor-owned electric utility industry and one representative from the rural electric cooperatives."

AMENDMENT ADOPTED

And the amendment was adopted

And the amendment was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Blake, Bowling, Carothers, Cates, Clark (G), Cobb, Coburn, Cooley, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall,

Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Pegues, Penry, Ray, Reed, Roberts, Seibels, Shavers, Shoemaker, Smith (J), Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—66

AMENDMENT OFFERED

Rep. McKee offered the following amendment to the bill, S. 286 as amended:

Amend the Substitute for S. 286 on page 9 by deleting the present subsection (k) appearing as lines 22 through 24 and insert in lieu thereof the following:

(k) one representative of agriculture to be designated by the Commissioner of Agriculture and Industries and one representative of private, non-industrial forestry to be designated by the Alabama Forestry Commission.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Blake, Bowling, Carothers, Cates, Clark (G), Cobb, Coburn, Cooley, Crow, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holley, Holmes, Horn, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Moore, Naramore, Owens, Pegues, Penry, Ray, Reed, Roberts, Seibels, Shavers, Shoemaker, Smith (J), Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—67

AMENDMENT OFFERED

Rep. Sasser offered the following amendment to the bill, S. 286 as amended:

Amend Senate Bill 286, Section 8, Page 9, after line 36 by adding the following:

(Q) One representative from an Alabama Technical College which offers a coal mine technology program.

AMENDMENT ADOPTED

And the amendment was adopted

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Blake, Bowling, Carothers, Clark (G), Coburn, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett,

Harper (O), Holmes, Horn, Johnson (R. G.), Laird, Letson, McKee, Manley, Minus, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—60

S. 286 TEMPORARILY POSTPONED

On motion of Rep. Albright, the bill, S. 286 as thus amended, was temporarily postponed.

And the bill:

S. 309. To amend Sections 16-54-16, 16-54-17 and 16-54-18 of the Code of Alabama 1975 relating to the University of Montevallo so as to provide for the establishment of certain endowment funds dedicated to the use of the university.

Was read a third time at length and passed.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Carothers, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Hines, Holley, Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Pegues, Penry, Ray, Reed, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 340. To further amend Section 1 of Act No. 458, H. 1175, Regular Session 1975 (Acts of Alabama 1975, p. 1085), as amended, relating to the election of certain assistant county officials of Jefferson County to serve in the branch offices in the City of Bessemer so as to remove the provisions relative to the deputy sheriff; and to specifically repeal Act No. 607, H. 923 and Act No. 661, H. 990, of the 1978 Regular Session (Acts 1978, pp. 863 and 953, respectively), and other conflicting laws.

Also:

H. 576. To further provide for Capitol security police officers; to provide that the director of public safety shall employ such personnel; to provide for the powers, duties and jurisdiction of such security police officers; to provide

for the compensation and benefits for such officers; to transfer all persons presently employed as Capitol security policemen to department of public safety; for the purposes of this Act only to provide that said officers shall be within the merit system; to transfer all materials, equipment, vehicles, and other property of whatsoever nature now used by such officers to the department of public safety; for purposes of this Act only to provide that the director of finance shall furnish suitable office space for such security police officers; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security, for the fiscal year ending September 30, 1980; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security police for the fiscal year ending September 30, 1981; to amend Section 41-4-180 and to specifically repeal sections 41-4-182, 41-4-183, 41-4-184 and 41-4-185 of the Code of Alabama 1975, so as to remove the Capitol security police from the jurisdiction of the finance director; and to repeal conflicting laws.

Also:

H. 654. To fix the compensation or salary of the treasurer of any county having a population of 600,000 or more according to the last federal census or any subsequent federal census, and to provide for the payment thereof.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

S. 354. (With Substitute): To promote the conservation of the state's petroleum resources and to encourage the use of alternative motor fuels, and to accomplish such measures by offering a tax incentive in the form of a reduced rate of taxation on the motor fuel known as "gasohol," as defined herein.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To promote the conservation of the state's petroleum resources and to encourage the use of the alternative motor fuels, and to accomplish such measures by offering a tax incentive in the form of a reduced rate of taxation on the motor fuel known as "gasohol," as defined herein.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the express intent of this legislature to promote the conservation of the state's petroleum resources and to encourage the usage of alternative fuels for motor vehicles in this state. In order to accomplish the intent herein expressed, and to provide an incentive for those individuals who participate in such a conservation effort, there shall be a reduced rate of excise tax on the motor fuel "gasohol" as herein after provided.

Section 2. "Gasohol" as used in this Act shall mean a motor fuel containing a minimum of ten percent blend of ethyl alcohol of a purity of at least ninety-nine percent denatured in conformity with one of the approved methods set forth by the U.S. Department of the Treasury, Division of Alcohol, Tobacco and Firearms and derived from agricultural or forest products or other renewable resources.

Section 3. Notwithstanding the other provisions of Chapter 17 of Title 40 of the Code of Alabama 1975, the amount of excise tax on gasohol shall be three cents per gallon less than gasoline. The reduced rate of taxation granted by this section for gasohol shall also apply to gasohol manufactured or distilled in another state, if that state reduces the rate of taxation or exempts from its motor fuel tax gasohol manufactured or distilled within the State of Alabama. For all other purposes other than the amount of excise tax, the term "gasohol" shall be included within the term "gasohol" as defined in Section 40-17-30 of the Code of Alabama 1975.

Section 4. The provisions of this Act are supplemental and shall not be construed to repeal any law not in direct conflict herewith.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective upon the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Rep. Cates to table the substitute reported by the Standing Committee on Ways and Means, was lost.

Yeas 12; Nays 63.

Yeas:

Reps.: Boles, Cates, Cosby, Greer, Letson, Mitchell, Moore, Nevett, Reed, Smith (M), Trammell and Venable.

—12

Nays:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Campbell, Carothers, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Dial, Dixon, Edwards, Ford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Horn, Howard, Johnson (R. G.), Kelley, Langford, Lewis, McKee, McMillan, Minus, Naramore, Olive, Owens, Payne, Pegues, Rains, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—63

The question again was on the substitute reported by the Standing Committee on Ways and Means to the bill, S. 354, and the substitute was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Campbell, Carothers, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Hines, Holley, Horn, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Rains, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—80

S. 354 TEMPORARILY POSTPONED

On motion of Rep. Sasser, the bill, S. 354 as amended, was temporarily postponed.

S. 286. RESUMED AMENDMENT OFFERED

Rep. Albright offered the following amendment to the bill, S. 286 as amended:

Amend Substitute for Senate Bill 286 on page 9, line 37 after sub-section (p) by adding a new sub-section (r) by adding the following language: (r) one representative of the State Department of Education.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 1.

Yeas:

Reps.: Adams (C), Admas (H), Albright, Amari, Barton, Bennett, Blake, Boles, Buskey, Cabaniss, Campbell, Carothers, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Dixon, Drinkard, Edwards, Ford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, Minus, Moore, Naramore, Nevett, Olive, Owens, Rains, Riddick, Roberts, Sasser, Seibels, Shavers, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—69

Nay: Rep. Gilmer.

—1

And the bill, S. 286 as amended, was read a third time at length and passed.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Blake, Boles, Buskey, Cabaniss, Carothers, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Lewis, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Payne, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—79

And the bill:

H. 521. (With Substitute) (With Amendment): To propose and provide for the submission of the amendment to Section 65 of the Constitution of Alabama of 1901.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Constitution and Elections, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To propose and provide for the submission of an admendment to Section 65, Article IV of the Constitution of Alabama of 1901 so as to provide for allowing the game of bingo, within certain limitations, upon the enactment of a local act by the legislature providing therefor in a county.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 65, Article IV of the Constitution of Alabama of 1901 is proposed and shall become valid as a part thereof when approved and proclaimed as prescribed by law.

PROPOSED AMENDMENT

Sec. 65.

The legislature shall have no power to authorize lotteries or gift enterprises for any purposes, and shall pass laws to prohibit the sale in this state of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery; and all acts, or parts of acts heretofore passed by the legislature of this state, authorizing a lottery or lotteries, and all acts amendatory thereof, or supplemental thereto, are hereby avoided. Provided, however, the game known as "bingo" may be conducted by non-profit qualified religious, educational, service, senior citizens, veteran, fraternal or other charitable organizations, which have been organized for two years or more upon the enactment of a local act by the legislature providing therefor. The aggregate retail value of all prizes or merchandise awarded in a single day of bingo may not exceed \$1,200.00. The prize awarded for one game may not exceed \$300.00 cash or its equivalent. A prize of merchandise shall not be redemmmable or convertible into cash directly or indirectly.

Section 2. An election on the proposed amendment is ordered to be held at the time of the next general election after passage of this Act. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama of 1901, as amended, and Chapter 17, Title 17, Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

And the substitute was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Cabaniss, Carothers, Clark (G), Clark (W), Coburn, Cosby, Daniels, Dixon, Gilmer, Greer, Grimsley, Hall, Harper (O), Harper (T), Harvey, Hilliard, Hines, Horn, Jackson, Johnson (R. G.), Laird, Lewis, McMillan, Manley, Minus, Moore, Nevett, Olive, Owens, Patton, Payne, Penry, Rains, Sasser, Seibels, Shavers, Shoemaker, Smith (M), Starkey, Stewart, Stout, Trammell, Waggoner, Williams, Willis and Zoghby.

—53

The question was then on the adoption of the amendment reported by the Standing Committee on Constitution and Elections, said committee amendment being as follows:

Amend Substitute for House Bill 521, Section 1, Page 2, Line 12 before the word "qualified" by inserting non-profit and after the word "religious" by deleting educational service,

And the amendment was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Bedsole, Bennett, Cabaniss, Carothers, Clark (G), Clark (W), Coburn, Cosby, Dial, Gilmer, Greer, Grimsley, Hall, Hammett, Harper (T), Harvey, Hilliard, Hines, Horn, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Lewis, McMillan, Manley, Minus, Moore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Waggoner, Williams, Willis and Zoghby.

—56

SUBSTITUTE OFFERED

Rep. Seibels offered the following substitute to the bill, H. 521 as amended:

A BILL TO BE ENTITLED AN ACT

Proposing an amendment to the Constitution of 1901, relating to legalizing the operation of bingo games for prizes of money be certain non-profit organizations for charitable or educational purposes in Jefferson County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor.

PROPOSED AMENDMENT

The operation of bingo games for prizes or money by non-profit organizations for charitable or educational purposes shall be legal in Jefferson County, subject to the provisions of any resolution or ordinance by the county governing body or the governing bodies of the respective cities and towns, within their respective jurisdictions. The said governing bodies shall have the authority to promulgate rules and regulations for the licensing and operation of bingo games, within their respective jurisdictions, provided, however, that said governing bodies must insure compliance with the following provisions:

(a) No person under the age of 19 shall be permitted to play any game or games of bingo, nor shall any person under the age of 19 be permitted to conduct or assist in the conduct of any game of bingo;

(b) No bingo license shall be issued to any nonprofit organization, unless such organization shall have been in existence for at least 24 months immediately prior to the issuance of the license;

(c) Bingo games shall be operated only on the premises owned or leased by the non-profit organization operating the bingo game. If the premises is leased, the rate of rental shall not be based on a percentage of receipts or profits resulting from the operation of bingo games;

(d) No non-profit organization shall enter into any contract with any individual, firm, association or corporation to have said individual or entity operate bingo games or concessions on behalf of the non-profit organization, nor shall said non-profit organization pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a bingo game;

(e) A non-profit organization shall not lend its name or allow its identity to be used by any other person or entity in the operating or advertising of a bingo game in which said non-profit organization is not directly and solely operating said bingo game;

(f) Prizes given by any non-profit organization for the playing of bingo games shall not exceed \$1,200.00 in cash or gifts of equivalent value during any bingo session or \$2,400.00 in cash or gifts of equivalent value during any calendar week;

(g) No person or organization, by whatever name or composition thereof, shall take any salary, expense money, or fees as remuneration for services rendered in the operation of any bingo game.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, or primary election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

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Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor; which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Bedsole, Bennett, Cabaniss, Clark (G), Coburn, Cosby, Crow, Gafford, Gilmer, Greer, Hall, Hammett, Harper (T), Harvey, Hilliard, Hines, Horn, Jackson, Johnson (R. G.), Kelley, Kennedy, Lewis, McMillan, Manley, Minus, Moore, Olive, Owens, Patton, Payne, Penry, Ray, Reed, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Waggoner, Williams, Willis and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 521. Proposing an amendment to the Constitution of 1901, relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Jefferson County.

As thus amended, was read a third time at length and passed.

Yeas 63; Nays 12.

Yeas:

Mr. Speaker, Albright, Amari, Bedsole, Bennett, Boles, Buskey, Cabaniss, Campbell, Carothers, Cates, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Gafford, Gilmer, Goodwin, Greer, Hall, Hammett, Harper (T), Harvey, Hilliard, Hines, Horn, Jackson, Johnson (R. G.), Kelley, Kennedy, Langford, Lewis, McMillan, Manley, Minus, Moore, Owens, Patton, Payne, Penry, Rains, Ray, Reed, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Williams, Willis and Zoghby.

—63

Nays:

Reps.: Barton, Blake, Gregg, Grouby, Holley, Mitchell, Nevett, Olive, Pegues, Smith (C), Tucker and Warren.

—12

RULE SUSPENDED

On motion of Rep. Seibels, Rule 4(4) was suspended to permit the bill, H. 521, being other than a local or general Bill of local application to be sent to the Senate.

S. 354 RESUMED

And the bill, S. 354 as thus amended, was read a third time at length and passed.

Yeas 60; Nays 7.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Cabaniss, Carothers, Cates, Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Dixon, Edwards, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Harvey, Hines, Holley, Horn, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Patton, Penry, Rains, Ray, Reed, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Turnham, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—60

Nays:

Reps.: Bowling, Cosby, Hall, Kelley, Manley, Owens and Pegues.

—7

And the bill:

S. 200. (With Amendment): To propose an amendment to the Constitution of this State validating certain general acts of local application on a population basis and providing the method for amending such acts.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Constitution and Elections, said committee amendment being as follows:

Amend Senate Bill 200 in Synopsis, line 14, after the word "be" by striking the word "stricken" and inserting in lieu thereof stricken

And the amendment was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Blake, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Dial, Dixon, Edwards, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Hines, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, McKee, McMillan, Manley, Minus, Moore, Owens, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Ward, Warren, Williams and Willis.

—60

AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, S. 200 as amended:

Amend Senate Bill 200 on page 2, paragraph 2, line 14 after the word advertised by adding the following; and passed by the legislature

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Blake, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Hines, Holley, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McMillan, Manley, Minus, Nevett, Olive, Owens, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham, Ward, Warren, Williams, Willis and Zoghby.

—64

And the bill, S. 200 as amended, was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Buskey, Cabaniss, Campbell, Carothers, Cates, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Owens, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—83

And the bill:

H. 312. (With Amendments): To further amend Sections 34-7-1, 34-7-4, 34-7-5, 34-7-7, 34-7-11, 34-7-24, 34-7-6 and 34-7-42 of the Code of Alabama 1975, as amended, and specifically to repeal Sections 34-7-13, 34-7-14, 34-7-22 and 34-7-23 of the Code of Alabama 1975, as amended, which sections relate to the practice of cosmetology, so as to further regulate the profession.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Health, and committee amendment being as follows:

Amend H. B. 312, Section 1, Page 15, after line 24, by adding the following:

"Nothing in this Act shall be construed to apply to departments in retail establishments where cosmetics are demonstrated and offered for sale but wherein no other act of cosmetology is performed.

This chapter shall not apply to any person who only occasionally dresses hair or does any other act or thing mentioned in subdivision (1) of subsection (a) of section 34-7-1, without holding herself or himself out to the public as a practicing cosmetologist, as defined in this chapter."

And the amendment was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Bennett, Cabaniss, Campbell, Clark (G), Cosby, Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Harvey, Johnson (R. G.), Laird, Langford, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Ward, Warren, Willis, Wyatt and Zoghby.

—54

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend H. B. 312, by striking Section 1, page 13, lines 18 through 40 and page 14, lines 1 through 40 and inserting in lieu thereof the following:

"§ 34-7-11.

"The various fees to be paid by the applicants for original registrations, original licenses, annual biennial renewals, temporary permits, licenses issued upon reciprocity, and examinations, as required under this chapter shall be as follows:

"(1) Original registrations, licenses and annual biennial renewals thereof:

Beauty Shop, original registration	\$35.00	<u>\$ 60.00</u>
Beauty Shop, annual biennial renewal	\$10.00	<u>\$ 25.00</u>
School of Cosmetology, original registration		\$300.00
School of Cosmetology, annual biennial renewal ..	\$50.00	\$100.00
Cosmetologist, original license	\$10.00	<u>\$ 20.00</u>
Cosmetologist, annual biennial	\$ 5.00	<u>\$ 15.00</u>
Managing Cosmetologist, original license	\$10.00	\$ 20.00
Managing Cosmetologist, annual biennial renewal	\$ 5.00	\$ 20.00
Manicurist, original license	\$10.00	\$ 20.00

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Manicurist, annual biennial renewal	\$ 5.00	\$ 15.00
Shampoo Assistant, original license		\$ 20.00
Shampoo Assistant, biennial renewal		\$ 20.00
Instructor, original license	\$15.00	\$ 35.00
Instructor, annual biennial renewal	\$ 5.00	\$ 20.00
Instructor of theory in related fields, original license	\$10.00	\$ 35.00
Instructor of theory in related fields, biennial renewal		\$ 20.00
Demonstrators, original license	\$10.00	\$ 20.00
Demonstrators, annual biennial renewal	\$10.00	\$ 25.00
Cosmetic Studio, original registration	\$35.00	\$ 45.00
Cosmetic Studio, annual biennial renewal	\$10.00	\$ 30.00
Reciprocity License Fee-(examination fee not included)	\$25.00	\$100.00
Esthetician, original registration		\$ 40.00
Esthetician, biennial renewal		\$ 30.00
Apprentice, registration fee	\$ 2.00	\$ 5.00
Registration of student in beauty school	\$ 2.00	\$ 5.00
Registration fee for student instructor	\$ 5.00	\$ 10.00
Reissue of lost license		\$ 5.00
Penalty fee for late renewal of license	\$ 3.00	\$ 5.00

Plus license

Renewal Fee

Fee for information concerning license standing (out of state only)	\$ 1.00	\$ 10.00
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“(2) Examination:

As a cosmetologist	\$10.00	\$ 15.00
As a managing cosmetologist	\$10.00	\$ 15.00
As an instructor	\$10.00	\$ 40.00
As a manicurist	\$10.00	\$ 15.00

Re-examination fee for cosmetologist or managing cosmetologist or manicurist		\$ 10.00
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Re-examination fee, instructor		\$ 30.00
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As an esthetician	\$ 50.00
Re-examination fee, esthetician	\$ 35.00
Student Apprentice Trainee, original fee	\$ 3.00"

And the amendment was adopted.

Yeas 55; Nays 5.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bennett, Blake, Boles, Cabaniss, Campbell, Carothers, Cates, Clark (G), Clark (W), Cobb, Daniels, Dixon, Drinkard, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Johnson (R.G.), Johnson (Roy), Lewis, McKee, McMillan, Manley, Mitchell, Moore, Olive, Owens, Payne, Pegues, Penry, Ray, Shavers, Shoemaker, Smith (M), Stout, Trammell, Turner, Turnham, Venable, Ward, Whatley, Williams, Willis and Wyatt.

—55

Nays: Reps.: Hilliard, Horn, Langford, Nevett and Zoghby.

—5

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend House Bill 312, Section 1, Page 7, Line 24, after the word "shall" by striking be at least 16 years of age at the time of such registration and shall and inserting in lieu thereof be at least 16 years of age at the time of such registration and shall

MOTION TO TABLE LOST

The motion offered by Rep. Kelley to table the amendment No. 3 reported by the Standing Committee on Health, was lost.

Yeas 27; Nays 35.

Yeas:

Reps.: Barton, Bowling, Cheatwood, Clark (G), Clark (W), Cooley, Drinkard, Ford, Goodwin, Greer, Hammett, Harvey, Johnson (Roy), Kelley, McMillan, Manley, Mitchell, Naramore, Patton, Penry, Ray, Smith (C), Smith (M), Starkey, Trammell, Whatley and Williams.

—27

Nays:

Reps.: Albright, Bedsole, Blake, Buskey, Cabaniss, Cates, Cosby, Crow, Dixon, Gilmer, Gregg, Hall, Harper (O), Hilliard, Holley, Horn, Howard, Jackson, Johnson (R. G.), Laird, Langford, Letson, McKee, Nevett, Olive, Owens, Roberts, Seibels, Stewart, Turner, Ward, Warren, Willis, Wyatt and Zoghby.

—35

MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Albright offered the motion to reconsider the vote by which the motion to table the Health committee amendment No. 3 to the bill, H. 312, was lost.

MOTION TO TABLE LOST

The motion offered by Rep. Payne to table the motion to reconsider offered by Rep. Albright, was lost.

Yeas 37; Nays 46.

Yeas:

Reps.: Bedsole, Blake, Buskey, Cabaniss, Cheatwood, Clark (W), Cosby, Dial, Dixon, Gafford, Gilmer, Gregg, Hammett, Harper (O), Harper (T), Harrison, Hilliard, Holley, Horn, Jackson, Johnson (R. G.), Kennedy, Laird, Langford, Lewis, McKee, Moore, Naramore, Olive, Payne, Rains, Seibels, Smith (C), Stewart, Turnham, Ward and Zoghby.

—37

Nays:

Reps.: Adams (H), Albright, Barton, Bennett, Bowling, Campbell, Cates, Clark (G), Cobb, Coburn, Cooley, Crow, Drinkard, Ford, Goodwin, Greer, Grimsley, Hall, Harvey, Howard, Johnson (Roy), Kelley, Letson, McMillan, Manley, Mitchell, Owens, Patton, Pegues, Penry, Ray, Reed, Roberts, Sasser, Smith (J), Smith (M), Starkey, Trammell, Tucker, Turner, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—46

MOTION TO RECONSIDER ADOPTED

The question was then on the motion to reconsider offered by Rep. Albright, and the motion was adopted.

Yeas 45; Nays 38.

Yeas:

Reps.: Adams (H), Albright, Barton, Bennett, Bowling, Campbell, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Crow, Drinkard, Ford, Goodwin, Greer, Grimsley, Hall, Harvey, Johnson (Roy), Kelley, Letson, McMillan, Manley, Mitchell, Owens, Patton, Pegues, Penry, Ray, Reed, Roberts, Sasser, Smith (J), Smith (M), Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—45

Nays:

Reps.: Bedsole, Blake, Buskey, Cabaniss, Clark (W), Cosby, Dial, Dixon, Gafford, Gilmer, Gregg, Grouby, Hammett, Harper (O), Harper (T), Harrison, Hilliard, Holley, Horn, Howard, Jackson, Johnson (R.G.), Kennedy, Laird, Langford, Lewis, McKee, Moore, Nevett, Olive, Payne, Rains, Seibels, Smith (C), Stewart, Turner, Ward and Zoghby.

—38

The question was again on the amendment No. 3 reported by the Standing Committee on Health to the bill, H. 312 as amended.

MOTION TO TABLE LOST

The motion offered by Rep. Kelley to table the amendment No. 3 reported by the Standing Committee on Health to the bill, H. 312 as amended, was lost.

Yeas 40; Nays 44.

Yeas:

Reps.: Albright, Amari, Barton, Bennett, Bowling, Cates, Cheatwood, Cobb, Coburn, Cooley, Drinkard, Ford, Goodwin, Greer, Grimsley, Hall, Hammett, Harvey, Johnson (Roy), Kelley, Letson, McMillan, Mitchell, Owens, Patton, Pegues, Penry, Ray, Reed, Roberts, Sasser, Smith (J), Smith (M), Starkey, Stout, Trammell, Venable, Waggoner, Whatley and Wyatt.

—40

Nays:

Reps.: Adams (C), Bedsole, Blake, Buskey, Cabaniss, Campbell, Clark (G), Clark (W), Cosby, Dial, Dixon, Gafford, Gilmer, Gregg, Harper (O), Harper (T), Harrison, Hilliard, Holley, Horn, Howard, Jackson, Johnson (R. G.), Kennedy, Laird, Langford, Lewis, McKee, Manley, Moore, Nevett, Olive, Payne, Rains, Seibels, Smith (C), Stewart, Tucker, Turner, Turnham, Ward, Warren, Willis and Zoghby.

—44

AMENDMENT ADOPTED

The question was again on the amendment No. 3 reported by the Standing Committee on Health to the bill, H. 312, and the amendment was adopted.

Yeas 43; Nays 40.

Yeas:

Reps.: Adams (C), Bedsole, Bennett, Blake, Buskey, Cabaniss, Carothers, Cheatwood, Clark (W), Cosby, Daniels, Dial, Dixon, Gafford, Gilmer, Gregg, Harper (O), Harper (T), Harrison, Holley, Horn, Jackson, Johnson (R.G.), Kennedy, Laird, Langford, Lewis, McKee, Nevett, Olive, Payne, Pegues, Rains, Seibels, Smith (C), Stewart, Turner, Turnham, Waggoner, Ward, Warren, Williams and Zoghby.

—43

Nays:

Reps.: Albright, Barton, Bowling, Campbell, Cates, Clark (G), Cobb, Coburn, Cooley, Drinkard, Ford, Goodwin, Greer, Grimsley, Hall, Harvey, Hilliard, Johnson (Roy), Kelley, Letson, McMillan, Manley, Mitchell, Moore, Owens, Patton, Penry, Ray, Reed, Roberts, Sasser, Smith (J), Smith (M), Starkey, Stout, Trammell, Venable, Whatley, Willis and Wyatt.

—40

AMENDMENT OFFERED

Rep. Howard offered the following amendment to the bill, H. 312 as amended:

Amend H. B. 312 as follows:

On page 5, line 35, delete the number "9" and insert in lieu thereof the number: 10

On page 6, line 8, delete the number "1600" and insert in lieu thereof the number: 1200

On page 7, line 26, delete the number "9" and insert in lieu thereof the number 10

MOTION TO TABLE LOST

The motion offered by Rep. Kelley to table the amendment offered by Rep. Howard to the bill, H. 312 as amended, was lost.

Yeas 35; Nays 47.

Yeas:

Reps.: Albright, Amari, Barton, Bennett, Boles, Bowling, Clark (G), Cobb, Coburn, Drinkard, Ford, Goodwin, Greer, Hall, Hammett, Harvey, Kelley, Letson, McMillan, Manley, Mitchell, Moore, Owens, Patton, Penry, Roberts, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Warren, Whatley and Zoghby.

—35

Nays:

Reps.: Bedsole, Blake, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark (W), Cosby, Crow, Daniels, Dial, Dixon, Gafford, Gregg, Grimsley, Harper (O), Harper (T), Harrison, Hilliard, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Lewis, McKee, Naramore, Nevett, Olive, Payne, Pegues, Rains, Reed, Sasser, Seibels, Stewart, Turner, Turnham, Venable, Ward, Williams, Willis and Wyatt.

—47

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Howard to the bill, H. 312 as amended, and the amendment was adopted.

Yeas 60; Nays 23.

Yeas:

Mr. Speaker, Adams (C), Amari, Blake, Buskey, Cabaniss, Cates, Clark (G), Clark (W), Cosby, Crow, Daniels, Dial, Dixon, Gafford, Gilmer, Gregg, Grimsley, Harper (O), Harper (T), Harrison, Hilliard, Hines, Holley, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kennedy, Langford, Lewis, McKee, McMillan, Mitchell, Moore, Naramore, Nevett, Olive, Payne, Pegues, Penry, Rains, Ray, Reed, Sasser, Seibels, Smith (C), Stewart, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—60

Nays:

Reps.: Albright, Barton, Bennett, Bowling, Campbell, Cheatwood, Cobb, Coburn, Drinkard, Goodwin, Greer, Hall, Hammett, Kelley, Letson, Owens, Patton, Roberts, Smith (J), Smith (M), Starkey, Stout and Whatley.

—23

MOTION TO TEMPORARILY POSTPONE LOST

The motion offered by Rep. Kelley to temporarily postpone the bill, H. 312 as amended, was lost.

Yeas 34; Nays 45.

Yeas:

Reps.: Albright, Amari, Bennett, Boles, Bowling, Cabaniss, Cheatwood, Cobb, Coburn, Cooley, Daniels, Drinkard, Goodwin, Greer, Grouby, Hall, Harvey, Johnson (Roy), Kelley, Laird, Letson, McMillan, Mitchell, Owens, Patton, Penry, Roberts, Smith (C), Smith (J), Smith (M), Starkey, Stout, Turnham and Whatley.

—34

Nays:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Blake, Campbell, Clark (G), Cosby, Crow, Dial, Dixon, Gafford, Gilmer, Gregg, Grimsley, Hammett, Harper (O), Harper (T), Harrison, Hines, Holley, Horn, Jackson, Johnson (R. G.), Langford, Lewis, McKee, Manley, Moore, Naramore, Nevett, Olive, Payne, Pegues, Rains, Reed, Sasser, Stewart, Trammell, Turner, Waggoner, Warren, Willis and Wyatt.

—45

And the bill, H. 312 as amended, was read a third time at length and passed.

Yeas 47; Nays 40.

Yeas:

Mr. Speaker, Albright, Amari, Bennett, Boles, Cabaniss, Carothers, Cobb, Cooley, Cosby, Drinkard, Ford, Gafford, Gilmer, Greer, Gregg, Grimsley, Hall, Hammett, Harper (T), Harrison, Holley, Langford, Lewis, McMillan, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Reed, Sandusky, Seibels, Smith (J), Smith (M), Trammell, Waggoner, Ward, Whatley, Williams and Wyatt.

—47

Nays:

Reps.: Adams (C), Barton, Bedsole, Blake, Bowling, Buskey, Cheatwood, Clark (G), Clark (W), Crow, Daniels, Dial, Dixon, Goodwin, Harper (O), Harvey, Hilliard, Hines, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Letson, McKee, Manley, Roberts, Sasser, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Warren, Willis and Zoghby.

—40

MOTION TO SUSPEND RULE LOST

The motion offered by Rep. Kelley to suspend Rule 4(4) to permit passage of the bill, H. 312 as amended, being other than a local or general bill of local application to the Senate was lost, lacking a four-fifths vote.

MOTION TO SUSPEND RULES LOST

The motion offered by the Rep. Gafford to suspend the rules in order to take up out of order the bill, S. 533, was lost.

Yeas 18; Nays 40.

Yeas:

Reps.: Cabaniss, Campbell, Clark (G), Cobb, Gafford, Greer, Harper (T), Holley, Johnson (R. G.), Johnson (Roy), Lewis, McMillan, Manley, Moore, Reed, Sandusky, Trammell and Turnham.

—18

Nays:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Blake, Buskey, Cates, Cheatwood, Cooley, Crow, Daniels, Dixon, Drinkard, Ford, Goodwin, Gregg, Hall, Harper (O), Hilliard, Horn, Howard, Kennedy, Langford, McKee, Mitchell, Naramore, Nevett, Olive, Rains, Riddick, Seibels, Smith (C), Smith (M), Stewart, Waggoner, Whatley, Willis and Wyatt.

—40

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Nevett:

H. R. 291. MOURNING THE DEATH OF EDMOND JEFFERSON OLIVER

Also:

The following resolution was introduced:

By Rep. Greer:

H. J. R. 292. CREATING AN INTERIM COMMITTEE TO STUDY NUCLEAR POWER PLANTS AND TO MAKE RECOMMENDATIONS REGARDING A REGULATORY AGENCY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an interim legislative committee composed of six members, three from the house and three from the senate, to study nuclear power plants and to make recommendations regarding a regulatory agency.

The chairman of the committee may set the place of meeting anywhere in the states of Alabama or Tennessee that he deems necessary to aid in the work of the committee.

The committee shall report its findings, comments, suggestions, and recommendations to the legislature on the fifth legislative day of the 1981 Regular Session, on which date the interim committee hereby established shall automatically be terminated.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. The total of said appropriation shall not exceed \$9,000.00.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Greer offered the motion to suspend the rules and adopt the resolution, H. J. R. 292.

DIVISION OF THE QUESTION

Rep. Turner called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Greer to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 292, and the motion was lost.

The resolution, H. J. R. 292, was read and referred to the Standing Committee on Rules.

RECESS

Pursuant to the resolution, H. R. 277 heretofore adopted, the House recessed at six o'clock p.m. until eight o'clock p.m.

HOUSE RECONVENED

The hour of eight o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

SPECIAL ORDER RESUMED

And the bill:

S. 1. (With Substitute): To provide in addition to benefits now received a graduated percentage cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1979, provided that no person whose retirement under the Employees' Retirement System is based primarily upon service as an employee of an employer participating under § 36-27-6 shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this act, provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be appropriated to the Employees' Retirement System from the Alabama Special Education Trust Fund; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; to provide the necessary and proper appropriations and funding for such purposes; and to provide for the repeal of conflicting laws.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide in addition to benefits now received, a graduated percentage cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1979, provided that no person whose retirement under the Employees' Retirement System is based primarily upon service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that employees in this

class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be financed from existing funds of the Employees' Retirement System and the Teachers' Retirement System; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the repeal of conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby provided, commencing October 1, 1980, to any person retired prior to October 1, 1979, under the Teachers' Retirement System or Employees' Retirement System of Alabama and who is receiving a retirement allowance therefrom, a cost-of-living increase in his maximum retirement allowance as follows:

A. If such person retired prior to October 1, 1963, a 15% increase in his maximum retirement allowance, provided that he shall receive an increase of not less than \$30, nor more than \$60 per month; and provided further that, if such person retired under the provisions of Section 36-27-7, Code of Alabama 1975, and/or Act No. 807 of the 1977 Regular Session (now appearing as Section 36-27-7.1, Code of Alabama 1975), he shall receive an increase of not less than \$15, nor more than \$40, per month.

B. If such person retired on or after October 1, 1963, but prior to October 1, 1973, a 10% increase in his maximum retirement allowance, provided that he shall receive an increase of not less than \$20, nor more than \$40, per month; and provided further that, if such person retired under the provisions of Section 36-27-7, Code of Alabama 1975, and/or Act No. 807 of the 1977 Regular Session (now appearing as Section 36-27-7.1, Code of Alabama 1975), he shall receive an increase of not less than \$10, nor more than \$20, per month.

C. If such person retired on or after October 1, 1973, but prior to October 1, 1979, a 5% increase in his maximum retirement allowance, provided that he shall receive an increase of not less than \$10, nor more than \$30, per month; and provided further that, if such person retired under the provisions of Section 37-27-7, Code of Alabama 1975, and/or Act No. 807 of the 1977 Regular Session (now appearing as Section 36-27-7.1, Code of Alabama 1975), He shall receive an increase of not less than \$5, nor more than \$15, per month.

Section 2. Any person retired under the Judicial Retirement Fund of Alabama as provided for in Title 12, Chapter 18, Code of Alabama 1975, shall not be deemed a retiree of the Teachers' or Employees' Retirement Systems of Alabama for purposes of this Act and shall not be entitled to receive the cost-of-living increase provided.

Section 3. (a) There is hereby allocated and expended from existing funds of the Teachers' Retirement System, or from such funds as are appropriated to the Teachers' Retirement System for the fiscal year 1980-81, such amounts as are necessary and available to carry out the provisions of this Act, as they relate to the Teachers' Retirement System of Alabama, for the fiscal year beginning October 1, 1980, and for each fiscal year thereafter in which the legislature continues to authorize the benefits herein provided.

(b) There is hereby allocated and expended from existing funds of the Employees' Retirement System of Alabama, or from such funds as are appropriated to the Employees' Retirement System for the fiscal year 1980-81, such amounts as are necessary and available to carry out the provisions of this Act, as they relate to retired employees of local boards of education and state institutions of higher education who are retired under the Employees' Retirement System, for the fiscal year beginning October 1, 1980, and for each fiscal year thereafter in which the legislature continues to authorize the benefits herein provided.

(c) (1) There is hereby allocated and expended from existing funds of the State Employees' Retirement System, or from such funds as are appropriated to the Employees' Retirement System for the fiscal year 1980-81, such amounts as are necessary and available to carry out the provisions of this Act, as they relate to the Employees' Retirement System of Alabama, for the fiscal year beginning October 1, 1980, and for each fiscal year thereafter in which the legislature continues to authorize the benefits herein provided.

(2) The board of control of the Employees' Retirement System of Alabama shall determine annually the amount required to pay the cost of the increased allowances under Section 1 of this Act and shall notify the chief fiscal officer of each employer the per centum rates of earnable compensation of the members required to be paid to the retirement system. Each employer of members of the Employees' Retirement System of Alabama shall pay on account of the increases provided in Section 1 of this Act in the same manner and from the same source of funds as is provided in Section 36-27-24 of the Code of Alabama 1975, it being the intent of the legislature that the cost of providing the increases in Section 1 of this Act shall be distributed from all funds in proportion to the salaries paid therefrom for active members.

(d) Subsequent expenditures from the Teachers' and Employees' Retirement System shall be reduced to only the amount necessary to fund the benefit increases herein provided in Section 1 of this Act.

(e) No person whose retirement under the Teachers' or Employees' Retirement System is based primarily upon service as an employee of an employer participating under Section 36-27-6 of the Code of Alabama 1975, shall be entitled to the benefits provided in Section 1 of this Act, unless such employer elects to come under the provisions of said section. Any employer making such election, except local boards of education and state institutions of higher education for which funding is provided above herein, must bear the cost of cost-of-living increases paid to its former employees pursuant to this section. Any employer participating under Section 36-27-6 may elect to come under the provisions of this section at the beginning of any future fiscal year and said employer shall not be required to pay said cost-of-living increase retroactively.

Section 4. The cost-of-living increase provided retirants herein shall remain in effect only so long as the Alabama legislature continues to authorize such benefits. In no way shall this Act be interpreted as to constitute a continuing obligation of the funds of the Teachers' or Employees' Retirement Systems of Alabama.

Section 5. Any person who receives benefits under the Medicaid program and whose eligibility for such benefits would be impaired by the cost-of-living increase provided in Section 1 of this Act shall not be entitled to receive said increase. Any person who shall subsequently apply for benefits under the Medicaid program and such persons' eligibility to receive benefits

is impaired by the cost-of-living increase provided in Section 1 of this Act, shall not be entitled to receive said increase subsequent to the date the member files application for benefits under the Medicaid program.

Section 6. The provisions of this Act are supplemental. It shall be construed in *pari materia* with other laws regulating and providing for the payment of retirement benefits to retire members of the Teachers' and Employees' Retirement Systems of Alabama; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. The provisions of this Act shall become effective October 1, 1980, following its passage by the Alabama Legislature and approval by the Governor.

MOTION TO TABLE LOST

The motion offered by Rep. Holley to table the substitute reported by the Standing Committee on Ways and Means to the bill, S. 1, was lost.

Yeas 28; Nays 58.

Yeas:

Reps.: Albright, Buskey, Cheatwood, Clark (W), Crow, Daniels, Dixon, Drinkard, Ford, Hammett, Harrison, Harvey, Hilliard, Holley, Holmes, Horn, Johnson (Roy), Kennedy, Langford, Ray, Reed, Seibels, Shavers, Smith (C), Stewart, Turner, Warren and Wyatt.

—28

Nays:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Blake, Cabaniss, Campbell, Carter, Cates, Clark (G), Cobb, Coburn, Cooley, Cosby, Dial, Edwards, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Hines, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Riddick, Sandusky, Sasser, Shoemaker, Smith (J), Starkey, Stout, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—58

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 513. Prescribing a certain county salary supplement for each circuit judge in the sixteenth judicial circuit; providing that the such supplement shall be in lieu of all other expense allowances and salary supplements heretofore provided by law for such judges and providing that such supplements shall be paid in equal monthly installments from the general fund of the county within said circuit.

Also:

S. 576. Relating to Lowndes County; authorizing the County Commission to levy an additional privilege or license tax on persons, firms and corporations, selling, distributing or delivering malt or brewed beverages to retailers in Lowndes County; providing for the assessment, collection and distribution of the proceeds of the tax; authorizing the adoption and promulgation of rules and regulations therefor by the county commission of said county; defining violations of the act and prescribing penalties therefor.

Also:

S. J. R. 112. CREATING THE LAWRENCE COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

Also:

S. J. R. 180. NAMING THE ALABAMA NATIONAL GUARD ARMORY, NOW UNDER CONSTRUCTION AT ARAB, ALABAMA, IN HONOR OF COLONEL WILBER B. FOWLER, RETIRED.

Also:

S. J. R. 181. CREATING THE JOINT INTERIM COMMITTEE OF THE LEGISLATURE TO STUDY THE REORGANIZATION OF THE PUBLIC SERVICE COMMISSION.

Also:

S. 309. To amend Sections 16-54-16, 16-54-17 and 16-54-18 of the Code of Alabama 1975 relating to the University of Montevallo so as to provide for the establishment of certain endowment funds dedicated to the use of the university.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

S. 1 RESUMED SUBSTITUTE ADOPTED

The question was again on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, S. 1, and the substitute was adopted.

Yeas 68; Nays 12.

Yeas:

Mr. Sepaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T),

Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Riddick, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

—68

Nays:

Reps.: Harrison, Hilliard, Holley, Holmes, Horn, Howard, Johnson (Roy), Langford, Reed, Seibels, Turner and Wyatt.

—12

SUBSTITUTE OFFERED

Rep. Holley offered the following substitute No. 1 to the bill, S. 1, as amended:

A BILL TO BE ENTITLED AN ACT

To provide in addition to benefits now received a graduated percentage cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1979, provided that no person whose retirement under the Employees' Retirement System is based primarily upon service as an employee of an employer participating under § 36-27-6 shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this act, provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be appropriated to the Employees' Retirement System from the Alabama Special Education Trust Fund; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; to provide the necessary and proper appropriations and funding for such purposes; and to provide for the repeal of conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby provided, commencing October 1, 1980, to any person retired prior to October 1, 1979, under the Teachers' Retirement System or Employees' Retirement System of Alabama and who is receiving a retirement allowance therefrom, a cost-of-living increase in his maximum retirement allowance as follows:

A. If such person retired prior to October 1, 1963, a 15% increase in his maximum retirement allowance, provided that he shall receive an increase of not less than \$30. nor more than \$60. per month; and provided further that, if such person retired under the provisions of Code of Alabama 1975, Section 36-27-7, and/or Act No. 807 of the 1977 Regular Session (now appearing as Code of Alabama 1975, Section 36-27-7.1), he shall receive an increase of not less than \$15. nor more than \$40. per month.

B. If such person retired on or after October 1, 1963, but prior to October 1, 1973, a 10% increase in his maximum retirement allowance, provided that he shall receive an increase of not less than \$20. nor more than \$40. per

month; and provided further that, if such person retired under the provisions of Code of Alabama 1975, Section 36-27-7 and/or Act No. 807 of the 1977 Regular Session (now appearing as Code of Alabama 1975 Section 36-27-7.1), he shall receive an increase of not less than \$10. nor more than \$20. per month.

C. If such person retired on or after October 1, 1973, but prior to October 1, 1979, a 5% increase in his maximum retirement allowance, provided that he shall receive an increase of not less than \$10. nor more than \$30. per month; and provided further that, if such person retired under the provisions of Code of Alabama 1975, Section 37-27-7, and/or Act No. 807 of the 1977 Regular Session (now appearing as Code of Alabama 1975, Section 36-27-7.1) he shall receive an increase of not less than \$5. nor more than \$15. per month.

Section 2. Any person retired under the Judicial Retirement Fund of Alabama as provided for in Code of Alabama 1975, Title 12, Chapter 18, shall not be deemed a retiree of the Teachers' or Employees' Retirement System of Alabama for purposes of this Act shall not be entitled to receive the cost-of-living increase provided.

Section 3. (a) There is hereby appropriated from the Alabama Special Educational Trust Fund to the Teachers' Retirement System of Alabama the sum of \$5,204,669 (estimated), or as much as is necessary to carry out the provisions of this act, as they relate to the Teachers' Retirement System of Alabama, for the fiscal year beginning October 1, 1980, and for each fiscal year thereafter in which the Legislature continues to authorize the benefits herein provided.

(b) There is hereby further appropriated from the Alabama Special Education Trust Fund to the Employees' Retirement System of Alabama the sum of \$65,353 (estimated), or as much as necessary to carry out the provisions of this act, as they relate to retired employees of local boards of education and state institutions of higher education who are retired under the Employees' Retirement System, for the fiscal year beginning October 1, 1980, and for each fiscal year thereafter in which the Legislature continues to authorize the benefits herein provided.

(c)(1) To the extent that the provisions of this act apply to the Employees' Retirement System of Alabama, and excepting those persons provided for in subsection 3(b), there is hereby appropriated from the funds from which salaries are paid the amounts sufficient to carry out the provisions of Section 1 of this act for the fiscal year beginning October 1, 1980, and for each fiscal year thereafter in which the Legislature of Alabama continues to authorize the benefits herein provided. In the case of those departments supported wholly by transfers from other state funds, there is hereby appropriated from the supporting funds such additional amounts as may be necessary to pay the employer contributions of each department so supported in the same proportion as the other state funds contribute to the support and maintenance of such departments, for the fiscal year beginning October 1, 1980, and for each fiscal year thereafter in which the Legislature of Alabama continues to authorize the benefits herein provided.

(2) The board of control of the Employees' Retirement System of Alabama shall determine annually the amount required to pay the cost of the increased allowances under Section 1 of this act and shall notify the chief fiscal officer of each employer the per centum rates of earnable compensation of the members required to be paid to the centum rates of earnable compensation of the members required to be paid to the retirement system. Each

employer of members of the Employees' Retirement System of Alabama shall pay on account of the increases provided in Section 1 of this act in the same manner and from the same source of funds as is provided in Section 36-27-24 of the Code of Alabama 1975, it being the intent of the Legislature that the cost of providing the increases in Section 1 of this act shall be distributed from all funds in proportion to the salaries paid therefrom for active members.

(d) Subsequent appropriations shall be reduced to only the amount necessary to fund the benefit increases herein provided in Section 1 of this act.

(e) No person whose retirement under the Teachers' or State Employees' Retirement System is based primarily upon service as an employee of an employer participating under §36-27-6 of the Code of Alabama 1975, shall be entitled to the benefits provided in Section 1 of this act, unless such employer elects to come under the provisions of said section. Any employer making such election, except local boards of education and state institutions of higher education for which funding is provided above herein, must bear the cost of cost-of-living increases paid to its former employees pursuant to this section. Any employer participating under §36-27-6 may elect to come under the provisions of this section at the beginning of any future fiscal year and said employer shall not be required to pay said cost-of-living increase retroactively.

Section 4. The cost-of-living increase provided retirants herein shall remain in effect only so long as the Alabama Legislature continues to authorize the funds such benefits. In no way shall this act be interpreted as to constitute a continuing obligation of the funds of the Teachers' or Employees' Retirement Systems of Alabama.

Section 5. Any person who receives benefits under the Medicaid program and whose eligibility for such benefits would be impaired by the cost-of-living increase provided in Section 1 of this act shall not be entitled to receive said increase. Any person who shall subsequently apply for benefits under the Medicaid program and such persons eligibility to receive benefits is impaired by the cost-of-living increase provided in Section 1 of this act shall not be entitled to receive said increase subsequent to the date the member files application for benefits under the Medicaid program.

Section 6. The provisions of this act are supplemental. It shall be construed in pari materia with other laws regulating and providing for the payment of retirement benefits to retired members of the Teachers' and Employees' Retirement Systems of Alabama; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 7. The provisions of this Act shall become effective October 1, 1980, following its passage by the Alabama Legislature and approval by the Governor.

SUBSTITUTE TABLED

On motion of Rep. Cates, the substitute No. 1 offered by Rep. Holley to the bill, S. 1, as amended, was tabled.

Yeas 52; Nays 37.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Blake, Cabaniss, Campbell, Carter, Cates, Clark (G), Coburn, Cosby, Dial, Edwards, Gafford, Gilmer, Grouby, Harper (O), Harper (T), Hines, Johnson (R. G.), Kelley, Laird, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Rains, Ray, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stout, Turnham, Venable, Ward, Willis and Zoghby.

—52

Nays:

Reps.: Amari, Bennett, Buskey, Carothers, Cheatwood, Clark (W), Cobb, Crow, Daniels, Dixon, Drinkard, Ford, Goodwin, Greer, Grimsley, Hammett, Harrison, Harvey, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Penry, Reed, Smith (C), Stewart, Trammell, Tucker, Turner, Warren, Williams and Wyatt.

—37

SUBSTITUTE OFFERED

Rep. Holley offered the following substitute No. 2 to the bill, S. 1 as amended:

A BILL TO BE ENTITLED AN ACT

To provide in addition to benefits now received a graduated percentage cost-of-living increase commencing October 1, 1981, to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama prior to October 1, 1979; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; to provide necessary and proper appropriations and funding for such purposes; and to provide for the repeal of conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby provided, commencing October 1, 1981, to any person retired prior to October 1, 1979, under the Teachers' Retirement System or Employees' Retirement System of Alabama and who is receiving a retirement allowance therefrom, a cost-of-living increase in his maximum retirement allowance as follows:

A. If such person retired prior to October 1, 1965, a 15% increase in his maximum retirement allowance, provided that he shall receive an increase of not less than \$30 nor more than \$60 per month; and provided further that, if such person retired under the provisions of Code of Alabama 1975, Section 36-27-7, and/or Act No. 807 of the 1977 Regular Session (now appearing in Code of Alabama 1975, Section 36-27-7.1), he shall receive an increase of not less than \$15 nor more than \$30 per month.

B. If such person retired on or after October 1, 1965, but prior to October 1, 1975, a 10% increase in his maximum retirement allowance, provided that he shall receive an increase of not less than \$20 nor more than \$40 per

month; and provided further that, if such person retired under the provisions of Code of Alabama 1975, Section 36-27-7 and/or Act No. 807 of the 1977 Regular Session (now appearing as Code of Alabama 1975 Section 36-27-7.1), he shall receive an increase of not less than \$10 nor more than \$20 per month.

C. If such person retired on or after October 1, 1975, but prior to October 1, 1979, a 5% increase in his maximum retirement allowance, provided that he shall receive an increase of not less than \$10 nor more than \$30 per month; and provided further that, if such person retired under the provisions of Code of Alabama 1975, Section 37-27-7, and/or Act No. 807 of the 1977 Regular Session (now appearing as Code of Alabama 1975, Section 36-27-7.1), he shall receive an increase of not less than \$5 nor more than \$15 per month.

Section 2. Any person retired under the Judicial Retirement Fund of Alabama as provided for in Code of Alabama 1975, Chapter 12-18, shall not be deemed a retiree of the Teachers' or Employees' Retirement System of Alabama for purposes of this Act and shall not be entitled to receive the cost-of-living increase herein provided.

Section 3. (a) There is hereby appropriated from the Alabama Special Educational Trust Fund to the Teachers' Retirement System of Alabama the sum of \$_____ (estimated), or as much as is necessary to carry out the provisions of this act, as they relate to the Teachers' Retirement System of Alabama, for the fiscal year beginning October 1, 1981.

(b) (1) To the extent that the provisions of this Act apply to the Employees' Retirement System of Alabama, there is hereby appropriated from the funds from which salaries are paid the amounts sufficient to carry out the provisions of Section 1 of this Act for the fiscal year beginning October 1, 1981, and for each fiscal year thereafter in which the Legislature of Alabama continues to authorize the benefits herein provided. In the case of those departments supported wholly by transfers from other state funds, there is hereby appropriated from the supporting funds such additional amounts as may be necessary to pay the employer contribution of each department so supported in the same proportion as the other state funds contribute to the support and maintenance of such departments, for the fiscal year beginning October 1, 1981, and for each fiscal year thereafter in which the Legislature of Alabama continues to authorize the benefits herein provided.

(2) The board of control of the Employees' Retirement System of Alabama shall determine annually the amount required to pay the cost of the increased allowances under Section 1 of this Act shall notify the chief fiscal officer of each employer the per centum rates of earnable compensation of the members required to be paid to the retirement system. Each employer of members of the Employees' Retirement System of Alabama shall pay on account of the increases provided in Section 1 of this Act in the same manner and from the same source of funds as is provided in Section 36-27-24 of the Code of Alabama 1975, it being the intent of the Legislature that the cost of providing the increases in Section 1 of this Act shall be distributed from all funds in proportion to the salaries paid therefrom for active members.

(c) Subsequent appropriations shall be reduced to only the amount necessary to fund the benefit increases herein provided in Section 1 to this Act.

Section 4. The cost-of-living increase provided retirants herein shall remain in effect only so long as the Alabama Legislature continues to authorize and fund such benefits. In no way shall this Act be interpreted as to constitute a continuing obligation of the funds of the Teachers' or Employees' Retirement Systems of Alabama.

Section 5. The provisions of this Act are supplemental. It shall be construed in *pari materia* with other laws regulating and providing for the payment of retirement benefits to retired members of the Teachers' and Employees' Retirement Systems of Alabama; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 6. The provisions of this Act shall become effective October 1, 1980, following its passage by the Alabama Legislature and approval by the Governor.

SUBSTITUTE TABLED

On motion of Rep. Cates, the substitute No. 2 offered by Rep. Holley to the bill, S. 1, was tabled.

Yeas 62; Nays 23.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Blake, Cabaniss, Campbell, Carter, Cates, Clark (G), Cobb, Coburn, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Harper (O), Harper (T), Hines, Johnson (R. G.), Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stout, Venable, Waggoner, Ward, Willis, Wyatt and Zoghby.

—62

Nays:

Reps.: Bennett, Boles, Buskey, Carothers, Cheatwood, Clark (W), Drinkard, Ford, Harrison, Harvey, Hilliard, Holley, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Reed, Smith (C), Stewart, Trammell, Turner and Warren.

—23

And the bill, S. 1 as thus amended, was read a third time at length and passed.

Yeas 89; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—89

Nays: Reps.: Harrison, Hilliard, Howard and Tucker.

—4

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Kirkland:

S. J. R. 195. COMMENDING THOSE INDIVIDUALS AND COMPANIES WHO RENDERED EXTRAORDINARY SERVICE IN CONNECTION WITH DISASTER RELIEF WORK IN THE AFTERMATH OF HURRICANE FREDERIC.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 195, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 533. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Owens, the House non-concurred in the Senate amendment to the bill, H. 533, and requested a Committee on Conference on the disagreement of the two Houses on the Senate amendment, said Senate amendment being as follows:

Amend H. B. 33, Section 2, D, 23, page 75, line 16, by striking the figure "38,720" and insert in lieu thereof: 43,390

On line 18, page 75, strike the figure "38,720" and insert in lieu thereof: 43,390

On line 20, page 75, strike the figure "38,720" and insert in lieu thereof: 43,390

Amend House Bill No. 533, Page 34, Line 20, by striking out the figure 8,400 and inserting in lieu thereof the following: "13,400"

Further amend H. B. 533 on page 34 line 26 by striking the figure 7,700 and inserting in lieu thereof the following: "12,700"

Further, amend H. B. 533 on page 34 line 29 by striking the figures: "7,700, 700, 8,400" and inserting in lieu thereof the following: "12,700, 700, 13,400"

Further amend H. B. 533 on page 57 lines 6, 8 and 9 by striking the figure 14,500 and inserting in lieu thereof the following: "9,500"

Amend H. B. 533, Section 2 C 8, under the column Appropriation Total relating to the Department of Agriculture and Industries as follows:

On Line 11, on Page 15, delete the figure "886,011" and insert in lieu thereof the figure "961,011".

On Line 13, of Page 15, delete the figure "8,553,145" and insert in lieu thereof the figure "8,903,145".

On Line 15, of Page 15, delete the figure "3,025,776" and insert in lieu thereof the figure "3,200,776".

On Line 17, of Page 15, delete the figure "512,505", and insert in lieu thereof the figure "562,505".

Further amend the above Senate Bill, Section 2 C 8, under the column General Fund, Appearing on Page 15, Line 23, by deleting the figure "4,978,900" and inserting in lieu thereof the figure "5,628,900".

Further amend the above Senate Bill, Section 2 C 8, under the column General Fund, appearing on Page 16, Line 25, by deleting the figure "4,978,900" and inserting in lieu thereof the figure "5,628,900".

Further amend the above Senate Bill, Section 2 C 8, under the column Appropriation Total, appearing on Page 16, Line 25, by deleting the figure "12,997,437" and inserting in lieu thereof the figure "13,627,437".

The above amendments reflect an increase of \$650,000 to be appropriated from the General Fund to the Department of Agriculture and Industries, and, in so far as this amended increase is concerned, is conditional upon the condition of the State General Fund and upon approval of the Governor.

Amend H. B. 533 by striking on page 51, line 27 the figure 77,518,545 and inserting in lieu therefor the figure 77,418,545

Further amend the bill by adding on page 51, line 30, immediately following Subsection (d) the following:

"(e) For the use of the Alabama Human Resources Board . . .100,000."

Amendment to H. B. 533, as last substituted or amended.

Immediately following Section 2, on page 90 insert the following new Section 3 and renumber the remaining sections accordingly:

Section 3. The sum of \$1,968,680.00 or so much thereof as may become available as herein provided, is hereby appropriated from the state general fund in the state treasury to the State Building Commission for use in acquiring land adjacent to the state capitol building for use as additional parking space. The appropriation made herein is conditional upon the condition of the state general fund, as ascertained by the Governor, and shall be released only upon orders of the Governor.

Amend H. B. 533 as last substituted and amended immediately following Section 2 on page 90, by inserting the following new Section 3 and renumbering the remaining sections accordingly:

Section 3. The sum of \$1,700,000, or so much thereof as may become available as herein provided, is hereby appropriated from the general fund in the state treasury, to the use of the state's district attorneys' offices. The appropriation made herein is conditional upon the condition of the state general fund, as ascertained by the Governor, and shall be released only upon the orders of the Governor.

Amend H. B. 533, page 71, by striking all of Section 2, D, 6, and renumbering the remaining subsections. And on page 3, line 17 by striking out "\$50,000" and inserting in lieu thereof the figure: 92,100

And on line 25, by striking the figure "\$50,000" and inserting in lieu thereof the figure: 92,100

And on line 26, by striking the figure "\$50,000" and inserting in lieu thereof the figure: 92,100

Amend House Bill No. 533 Page 86 after Line 24, by inserting the following:

"In addition to the above appropriation there is hereby appropriated 7,305 to the Alabama State Steer Show Association to be conditional upon the condition of the General Fund and upon the approval of the Governor."

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981.

Be It Enacted by the Legislature of Alabama:

Section 1. The monies in Section 2 are appropriated from the named funds for the 1980-81 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the needs of an identified clientele, or group of recipients or beneficiaries.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act On 1976, Act No. 494, 1976 Regular Session. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State Employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

A. LEGISLATIVE:

1. Examiners of Public Accounts,
Department of:

(a) Legislative Support—Audit Services Program	3,591,037
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SOURCE OF FUNDS:

(1) State General Fund	<u>3,591,037</u>	
Total Department of Examiners of Public Accounts	<u>3,591,037</u>	<u>3,591,037</u>

2. Legislative Council:

(a) Legislative Operations and Support Program	50,000
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(For Operations of the Council including out-of-state travel by Council members and members of the Legislature authorized to attend Legislative conferences by joint resolution of the Legislature)

SOURCE OF FUNDS:

(1) State General Fund	<u>50,000</u>	
Total Legislative Council	<u>50,000</u>	<u>50,000</u>

3. Legislative Fiscal Office:

(a) Legislative Operations and Support Program	334,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>334,000</u>	
Total Legislative Fiscal Office ...	<u>334,000</u>	<u>334,000</u>

4. Legislative Reference Service:

(a) Legislative Operations and Support Program	494,401
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SOURCE OF FUNDS:

(1) State General Fund	<u>494,401</u>	
Total Legislative Reference Service	<u>494,401</u>	<u>494,401</u>

5. Legislature:

(a) Senate Operations and Support Program	750,000
(b) House Operations and Support Program	1,250,000

SOURCE OF FUNDS:

(1) State General Fund	<u>2,000,000</u>	
Total Legislature	<u>2,000,000</u>	<u>2,000,000</u>

In addition to the above appropriation there is hereby appropriated \$2,500,000 to the Legislature to be conditional upon the condition of the State General Fund and upon approval of the Governor.

B. JUDICIAL:

1. Court of Civil Appeals:

(a) Court Operations Program ..	458,497
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SOURCE OF FUNDS:

(1) State General Fund	<u>458,497</u>	
Total Court of Civil Appeals	<u>458,497</u>	<u>458,497</u>

2. Court of Criminal Appeals:

(a) Court Operations Program ..	683,989
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SOURCE OF FUNDS:

(1) State General Fund	<u>683,989</u>	
Total Court of Criminal Appeals .	<u>683,989</u>	<u>683,989</u>

3. District Attorneys:

(a) Court Operations Program ..	5,000,000
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The proposed spending plan included in the above total is as follows:

Salaries of District Attorneys 1,287,000

Salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit 31,000

Salary of the appointed Assistant Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit	4,143
Salaries and expenses of Super- numerary District Attor- neys	475,000
For use in the District Attorney's Office of the 1st Judicial Circuit	47,732
For use in the District Attorney's Office of the 2nd Judicial Circuit	52,308
For use in the District Attorney's Office of the 3rd Judicial Circuit	55,560
For use in the District Attorney's Office of the 4th Judicial Circuit	224,677
For use in the District Attorney's Office of the 5th Judicial Circuit	146,320
For use in the District Attorney's Office of the 6th Judicial Circuit	106,540
For use in the District Attorney's Office of the 7th Judicial Circuit	81,649
For the use in the District Attor- ney's Office of the 8th Judicial Circuit	66,236
For use in the District Attorney's Office of the 9th Judicial Circuit	76,060
For use in the District Attorney's Office of the 10th Judicial Circuit	164,800
For use in the District Attorney's Office of the 11th Judicial Circuit	58,800
For use in the District Attorney's Office of the 12th Judicial Circuit	58,526
For use in the District Attorney's Office of the 13th Judicial Circuit	135,185
For use in the District Attorney's Office of the 14th Judicial Circuit	65,050

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For use in the District Attorney's Office of the 15th Judicial Circuit	218,593
For use in the District Attorney's Office of the 16th Judicial Circuit	67,000
For use in the District Attorney's Office of the 17th Judicial Circuit	42,200
For use in the District Attorney's Office of the 18th Judicial Circuit	78,303
For use in the District Attorney's Office of the 19th Judicial Circuit	51,000
For use in the District Attorney's Office of the 20th Judicial Circuit	84,300
For use in the District Attorney's Office of the 21st Judicial Circuit	44,441
For use in the District Attorney's Office of the 22nd Judicial Circuit	60,000
For use in the District Attorney's Office of the 23rd Judicial Circuit	167,658
For use in the District Attorney's Office of the 24th Judicial Circuit	65,713
For use in the District Attorney's Office of the 25th Judicial Circuit	44,131
For use in the District Attorney's Office of the 26th Judicial Circuit	106,000
For use in the District Attorney's Office of the 27th Judicial Circuit	78,605
For use in the District Attorney's Office of the 28th Judicial Circuit	50,000
For use in the District Attorney's Office of the 29th Judicial Circuit	74,400
For use in the District Attorney's Office of the 30th Judicial Circuit	82,200

For use in the District Attorney's Office of the 31st Judicial Circuit	45,400
For use in the District Attorney's Office of the 32nd Judicial Circuit	46,375
For use in the District Attorney's Office of the 33rd Judicial Circuit	42,000
For use in the District Attorney's Office of the 34th Judicial Circuit	31,175
For use in the District Attorney's Office of the 35th Judicial Circuit	42,100
For use in the District Attorney's Office of the 36th Judicial Circuit	51,900
For use in the District Attorney's Office of the 37th Judicial Circuit	70,800
For use in the District Attorney's Office of the 38th Judicial Circuit	66,120
For use in the District Attorney's Office of the 39th Judicial Circuit	28,000
Appropriations of Salaries of Per- sonnel Established by Statute are estimated.	
Travel Expense of District Attor- neys	50,000
Telephone Service, Stationery, Stamps and necessary Office supplies for Office use of District Attorneys, Deputy District At- torneys or Assistants (Provided, however, that none of this ap- propriation shall be expended for books and equipment Pur- chases).	75,000

5,000,000

SOURCE OF FUNDS:

(1) State General Fund	<u>5,000,000</u>	
Total District Attorneys	<u>5,000,000</u>	<u>5,000,000</u>
4. Judicial Inquiry Commission:		
(a) Administrative Services Pro- gram		61,522

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SOURCE OF FUNDS:

(1) State General Fund	<u>61,522</u>	
Total Judicial Inquiry Commission	<u>61,522</u>	<u>61,522</u>

5. Judicial Retirement System:

(a) Retirement Systems Program		3,557,100
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SOURCE OF FUNDS:

(1) State General Fund	<u>3,557,100</u>	
Total Judicial Retirement System	<u>3,557,100</u>	<u>3,557,100</u>

6. Supreme Court:

(a) Court Operations Program ..		1,858,949
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SOURCE OF FUNDS:

(1) State General Fund	1,848,949	
(2) Federal, Local and Miscellaneous Funds		<u>10,000</u>
Total Supreme Court	<u>1,848,949</u>	<u>10,000</u> <u>1,858,949</u>

7. Unified Judicial System:

(Administrative Office of Courts)

(a) Court Operations Program ..		28,489,478
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(b) Administrative Services Program		1,953,356
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SOURCE OF FUNDS:

(1) State General Fund	<u>30,442,834</u>	
Total Unified Judicial System ...	<u>30,442,834</u>	<u>30,442,834</u>

C. EXECUTIVE

1. Academy of Honor, Alabama:

(a) Historical Resources Management Program		1,300
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SOURCE OF FUNDS:

(1) State General Fund as provided in Title 41, Chapter 11, Section 6, 1975 Code of Alabama	<u>1,300</u>	
Total Alabama Academy of Honor	<u>1,300</u>	<u>1,300</u>

2. Accountancy, Alabama State Board of Public:

(a) Professional and Occupational Licensing and Regulation Program		135,000
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SOURCE OF FUNDS:

(1) Fund of the Alabama State Board of Public Accountancy, as provided in Title 34, Chapter 1, Section 22, 1957 Code of Alabama	135,000	
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In addition to the amounts appropriated hereinabove to the Alabama State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

Total Alabama State Board of Public Accountancy	<u>135,000</u>	<u>135,000</u>
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3. Adjustment, Board of:

(a) Special Services Program		165,000
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SOURCE OF FUNDS:

(1) State General Fund for the General Fund Contribution to the total expenditure of \$350,000 pursuant to Title 41, Chapter 9, Section 73, 1975 Code of Alabama	15,000	
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(2) State General Fund for expenditures as provided in Title 31, Chapter 3 and Title 36, Chapter 30, Article 1, 1975 Code of Alabama, Estimated	<u>150,000</u>	
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Total Board of Adjustment	<u>165,000</u>	<u>165,000</u>
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4. Aeronautics, Department of:

(a) Airport Development and Aeronautical Support Program		701,567
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The appropriation to the Department of Aeronautics shall include a transfer to the State Personnel Department of \$196.

SOURCE OF FUNDS:

(1) Airport Development Fund, as provided by Title 4, Chapter 2, Section 42, 1975 Code of Alabama	<u>701,567</u>	
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Total Department of Aeronautics	<u>701,567</u>	<u>701,567</u>
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5. Aging, Commission on:

(a) Planning and Advocacy for Elderly Program		12,713,590
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The appropriation to the Commission on Aging shall include a transfer to the State Personnel Department of \$982.

SOURCE OF FUNDS:

(1) State General Fund Transfer	785,000		
(2) Federal, Local and Miscellaneous Funds		<u>11,928,590</u>	
Total Commission on Aging	<u>785,000</u>	<u>11,928,590</u>	<u>12,713,590</u>

6. Agricultural Center Board:

(a) Agricultural Development Services Program			565,000
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The appropriation to the Agricultural Center Board shall include a transfer to the State Personnel Department of \$392.

SOURCE OF FUNDS:

(1) State General Fund for espense and awarding of prizes for fairs as provided in Title 2, Chapter 7, Article 2, 1975 Code of Alabama	120,000		
(2) State General Fund Transfer	320,000		
(3) Livestock Coliseum Fund		<u>125,000</u>	
Total Agricultural Center Board .	<u>440,000</u>	<u>125,000</u>	<u>565,000</u>

7. Agricultural and Industrial Exhibit Commission, Alabama:

(a) Agricultural Development Services Program			32,400
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SOURCE OF FUNDS:

(1) State General Fund	<u>32,400</u>		
Total Alabama Agricultural and Industrial Exhibit Commission	<u>32,400</u>		<u>32,400</u>

8. Agriculture and Industries, Department of:

(a) Administrative Services Program			886,011
(b) Agricultural Inspection Services Program			8,553,145
(c) Laboratory Analysis and Disease Control Program			3,025,776
(d) Agricultural Development Services Program			512,505

The appropriation to the Department of Agriculture and Industries shall include a transfer to the State Personnel Department of \$17,725.

SOURCE OF FUNDS:

(1) State General Fund Transfer	4,978,900		
(2) Federal, Local and Miscellaneous Funds		2,321,122	
(3) Shipping Point Inspection Fund pursuant to Title 2, Chapter 9, Sections 20 and 21, Code of Alabama, 1975. All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection, grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities		3,769,000	
(4) Agricultural Fund (Any surplus remaining in the Agricultural Fund at the end of the fiscal year in excess of \$150,000 shall be transferred to the State General Fund.)		<u>1,908,415</u>	
Total Department of Agriculture and Industries	<u>4,978,900</u>	<u>7,998,537</u>	<u>12,977,437</u>
9. Alcoholic Beverage Control Board, Alabama:			
(a) Alcoholic Beverage Management Program		22,496,718	
(b) Licensing, Regulation and Enforcement Program		6,934,822	
(c) Administrative Services Program		2,828,856	
The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State Personnel Department of \$58,920.			

SOURCE OF FUNDS:

(1) ABC Stores Fund 32,260,396

In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board	<u>32,260,396</u>	<u>32,260,396</u>
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10. Architects, Board for Registration of:

(a) Professional and Occupational Licensing and Regulation Program	70,000
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The appropriation to the Board for Registration of Architects shall include a transfer to the State Personnel Department of \$98.

SOURCE OF FUNDS:

(1) Fund of the Board for Registration of Architects, as provided in Title 34, Chapter 2, Section 23, Code of Alabama 1975	<u>70,000</u>
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Total Board for Registration of Architects	<u>70,000</u>	<u>70,000</u>
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11. Archives and History:

(a) Historical Resources Management Program	760,617
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SOURCE OF FUNDS:

(1) State General Fund	748,617
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(2) Federal, Local and Miscellaneous Funds		<u>12,000</u>	
Total Archives & History	<u>748,617</u>	<u>12,000</u>	<u>760,617</u>
12. Attorney General, Office of the:			
(a) Legal Advice and Legal Services Program			3,384,891
(b) Fair Marketing Practices Program			286,125
SOURCE OF FUNDS:			
(1) State General Fund	2,800,000		
(2) Transfer from Pensions and Security		310,000	
(3) Federal, Local and Miscellaneous Funds		<u>561,016</u>	
Total Office of the Attorney General	<u>2,800,000</u>	<u>871,016</u>	<u>3,671,016</u>
13. Auditor, State:			
(a) Fiscal Management Program			580,000
SOURCE OF FUNDS:			
(1) State General Fund	<u>580,000</u>		
Total State Auditor	<u>580,000</u>		<u>580,000</u>
14. Banking Department, State:			
(a) Charter, License, and Regulate Financial Institutions Program			1,699,149
The appropriation to the State Banking Department shall include a transfer to the State Personnel Department of \$2,062.			
SOURCE OF FUNDS:			
(1) State General Fund Transfer	280,850		
(2) Banking Assessment Fees as provided in Title 5, Chapter 1, Section 5, 1975 Code of Alabama		1,229,497	
(3) Bureau of Credit Unions as provided in Title 5, Chapter 2, Article 5, Divisions 1 and 2, 1975 Code of Alabama		161,750	
(4) Loan Examination Fund as provided in Title 5, Chapter 18, Sections 1-24, 1975 Code of Alabama		<u>27,052</u>	
Total State Banking Department	<u>280,850</u>	<u>1,418,299</u>	<u>1,699,149</u>

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15. Bar Association, Alabama
State:

(a) Professional and Occupational Licensing and Regulation Pro- gram	496,676
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SOURCE OF FUNDS:

(1) State Bar Association Fund, as provided in Title 34, Chapter 3, Code of Alabama 1975	<u>496,676</u>
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Total Alabama State Bar Associa- tion	<u>496,676</u>	<u>496,676</u>
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16. Bear Creek Development Au-
thority:

(a) Water Resource Development Program	209,119
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SOURCE OF FUNDS:

(1) State General Fund	26,900
(2) Federal, Local and Miscellane- ous Funds	<u>182,219</u>

Total Bear Creek Development Au- thority	<u>26,900</u>	<u>182,219</u>	<u>209,119</u>
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17. Brierfield Ironworks Park:

(a) Outdoor Recreation Sites and Services Program	87,760
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SOURCE OF FUNDS:

(1) State General Fund	20,000
(2) Federal, Local and Miscellane- ous Funds	<u>67,760</u>

Total Brierfield Ironworks Park .	<u>20,000</u>	<u>67,760</u>	<u>87,760</u>
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18. Building Commission:

(a) Special Services Program	545,992
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The appropriation to the Building
Commission shall include a
transfer to the State Personnel
Department of \$98.

SOURCE OF FUNDS:

(1) State General Fund	138,220
(2) Federal, Local and Miscellane- ous Funds	<u>407,772</u>

Total Building Commission	<u>138,220</u>	<u>407,772</u>	<u>545,992</u>
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19. Capitol Renovation—Alabama
Historical Commission:

- (a) Historical Resources Management Program

SOURCE OF FUNDS:

- (1) State General Fund

Total Capitol Renovation—
Alabama Historical Commission

There is hereby appropriated \$3,500,000 to the Alabama Historical Commission for Capitol Renovation to be conditional upon the condition of the State General Fund and upon approval of the Governor.

20. Chiropractic Examiners, Alabama State Board of:

- (a) Professional and Occupational Licensing and Regulation Program 25,000

SOURCE OF FUNDS:

- (1) Alabama State Board of Chiropractic Examiner's Fund as provided in Title 34, Chapter 24, Article 4, Divisions 1, 2 and 3, 1975 Code of Alabama 25,000

Total Alabama State Board of Chiropractic Examiners	25,000	25,000
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21. Civil Defense, Department of:

- (a) Readiness and Recovery Program 946,152

The appropriation to the Department of Civil Defense shall include a transfer to the State Personnel Department of \$1,423.

SOURCE OF FUNDS:

- | | | | |
|--|---------|---------|---------|
| (1) State General Fund | 461,400 | | |
| (2) Federal, Local and Miscellaneous Funds | | 484,752 | |
| Total Department of Civil Defense | 461,400 | 484,752 | 946,152 |

22. Coastal Area Board, Alabama:

- (a) Coastal Area Management Program 875,000

The appropriation to the Alabama Coastal Area Board shall include a transfer to the State Personnel Department of \$245.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	50,000		
(2) Federal, Local and Miscellaneous		825,000	
Total Alabama Coastal Area Board	50,000	825,000	875,000

23. Conservation and Natural Resources, Department of:

(a) Wildlife and Game and Fish Program	10,903,145
(b) State Land Management Program	226,302
(c) Outdoor Recreation Sites and Services Program	12,874,553
(d) Administrative Services Program	3,039,187
(e) Land Survey Program	225,382

The appropriation to the Department of Conservation and Natural Resources shall include a transfer to the State Personnel Department of \$27,005

SOURCE OF FUNDS:

(1) Game and Fish Fund	9,475,445
(2) State Lands Fund	226,302

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(3) Marine Resources Fund	1,121,500
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In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division Programs or projects which he deems appropriate.

(4) Marine Police Fund	1,724,000
(5) Land Surveyors Fund	225,382
(6) State Parks Fund	8,550,553
(7) Administrative Funds	3,039,187

The funds hereinabove appropriated shall be payable as provided in Title 9, Chapter 2, Section 1, Code of Alabama 1975.

(8) State General Fund	2,806,200
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(9) State General Fund—Transfer to Game and Fish Fund for Capital Improvements—(Bibb and Escambia County Lakes)	100,000
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Total Department of Conservation and Natural Resources	2,906,200	24,362,369	27,268,569
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24. Contractors State Licensing Board for General:

(a) Professional and Occupational Licensing and Regulation Program	164,850
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The appropriation to the State Licensing Board for General Contractors shall include a transfer to the State Personnel Department of \$245.

SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund	164,850
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Pursuant to Title 34, Chapter 8, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board for General Contractors	164,850	164,850
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25. Corrections, Board of:

(a) Administrative Services and Logistical Support Program ...	2,982,507
(b) Institutional Services Corrections Program	28,576,774

(c) Correctional Industries Program 3,710,702

The appropriation to the Board of Corrections shall include a transfer to the State Personnel Department of \$59,214.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	23,500,000	
(2) Federal, Local and Miscellaneous Funds		625,000
(3) Federal Revenue Sharing		7,000,000
(4) Board of Corrections Fund ...		4,144,983

The Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriated, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant funds so generated and in direct support of the Board of Corrections operations are also hereby appropriated.

Total Board of Corrections	<u>23,500,000</u>	<u>11,769,983</u>	<u>35,269,983</u>
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In addition to the above appropriation there is hereby appropriated \$24,000,000 to the Board of Corrections to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

26. Cosmetology, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program	315,000
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The appropriation to the Alabama Board of Cosmetology shall include a transfer to the State Personnel Department of \$491.

SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund as provided in Title 34, Chapter 7, 1975 Code of Alabama	<u>315,000</u>
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Total Alabama Board of Cosmetology	<u>315,000</u>	<u>315,000</u>
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27. Criminal Justice Information System, Alabama:

(a) Criminal Justice Information Services Program	2,268,004
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The appropriation to the Alabama Criminal Justice Information System shall include a transfer to the State Personnel Department of \$2,602.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	1,900,000		
(2) Federal, Local and Miscellaneous Funds		<u>368,004</u>	
Total Alabama Criminal Justice Information System	<u>1,900,000</u>	<u>368,004</u>	<u>2,268,004</u>

28. Dairy Commission, Alabama:

(a) Regulatory Services Program	455,000
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The appropriation to the Alabama Dairy Commission shall include a transfer to the State Personnel Department of \$540.

SOURCE OF FUNDS:

(1) Alabama Dairy Commission Fund as provided in Title 2, Chapter 13, Code of Alabama 1975	<u>455,000</u>		
Total Alabama Dairy Commission		<u>455,000</u>	<u>455,000</u>

29. Development Office, Alabama:

(a) Industrial Development Program	2,537,000
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(b) Bureau of Publicity and Information—Tourism and Travel Promotion Program	2,402,873
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(c) Administrative Services Program—Office of Minority Business	145,000
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(d) Alabama Film Commission—Promotional Development Program	220,000
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The appropriation to the Alabama Development Office shall include a transfer to the State Personnel Department of \$3,093.

SOURCE OF FUNDS:

(1) State General Fund—Transfer Alabama Development Office ..	2,467,000
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(2) State General Fund—Transfer Publicity and Information	500,000		
(3) State General Fund Transfer—Office of Minority Business	75,000		
(4) State General Fund—Alabama Film Commission	220,000		
(5) Lodgings Tax (1¢)—Receipts collected under the provisions of Title 40, Chapter 26, 1975 Code of Alabama for the Bureau of Publicity and Information		1,902,873	
(6) Federal, Local and Miscellane- ous Funds		<u>140,000</u>	
Total Alabama Development Office	<u>3,262,000</u>	<u>2,042,873</u>	<u>5,304,873</u>

30. Engineers and Land Sur-
veyors, State Board of Registra-
tion for Professional:

(a) Professional and Occupational Licensing and Regulation Pro- gram	238,196
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The appropriation to the State
Board of Registration for Profes-
sional Engineers and Land Sur-
veyors shall include a transfer to
the State Personnel Department
of \$245.

SOURCE OF FUNDS:

(1) Professional Engineers' Fund as provided in Title 34, Chapter 11, Code of Alabama 1975, as amended and Act No. 1049, 1975 Regular Session	<u>238,196</u>	
Total State Board of Registration for Professional Engineers and Land Surveyors	<u>238,196</u>	<u>238,196</u>

31. Ethics Commission, Alabama:

(a) Regulation of Public Officials and Employees Program	175,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>175,000</u>	
Total Alabama Ethics Commission	<u>175,000</u>	<u>175,000</u>

32. Farmers' Market Authority:

(a) Agricultural Development Services Program	658,000
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SOURCE OF FUNDS:

(1) State General Fund—Transfer For Administration	78,000		
(2) State General Fund—Transfer for Capital Outlay	500,000		
(3) Farmers' Market Authority Fund—Revenue and Capital Outlay Account		<u>80,000</u>	
Total Farmers' Market Authority	<u>578,000</u>	<u>80,000</u>	<u>658,000</u>

33. Finance, Department of:

(a) Fiscal Management Program			1,949,941
(b) Administrative Support Ser- vices Program			4,258,889
(c) Administrative Support Ser- vices Program—Repair, reno- vate, and clean state buildings			500,000

SOURCE OF FUNDS:

(1) State General Fund	4,808,896		
(2) State Agency Collections— Maintenance Revolving Fund ..		<u>1,899,934</u>	
Total Department of Finance	<u>4,808,896</u>	<u>1,899,934</u>	<u>6,708,830</u>

34. Finance—Telephone Network
Fund:

(a) Administrative Support Ser- vices Program			4,028,907
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SOURCE OF FUNDS:

(1) Telephone Network Fund		<u>4,028,907</u>	
Total Finance—Telephone Net- work Fund		<u>4,028,907</u>	<u>4,028,907</u>

35. Foresters, Alabama State
Board of Registration for:

(a) Professional and Occupational Licensing and Regulation Pro- gram			17,900
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SOURCE OF FUNDS:

(1) Professional Foresters' Fund ..		<u>17,900</u>	
Total Alabama State Board of Reg- istration for Foresters		<u>17,900</u>	<u>17,900</u>

36. Forestry Commission, Ala-
bama:

(a) Forest Resource Protection Program			7,316,266
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(b) Forest Resource Management and Development Program	2,144,977
(c) Forestry Information and Education Program	282,245
(d) Administrative Services Program	1,276,585

The appropriation to the Alabama Forestry Commission shall include a transfer to the State Personnel Department of \$19,983.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	5,568,659		
(2) Federal and Local Funds		2,549,398	
(3) Forestry Commission Fund ..		2,902,016	

Of the above appropriation \$100,000 shall be used for rural and community fire protection.

Total Alabama Forestry Commission	<u>5,568,659</u>	<u>5,451,414</u>	<u>11,020,073</u>
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37. Fort Morgan Commission:

(a) Historical Resources Management Program	109,433
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SOURCE OF FUNDS:

(1) State General Fund	99,400		
(2) Federal, Local and Miscellaneous Funds		<u>10,033</u>	

Total Fort Morgan Commission ..	<u>99,400</u>	<u>10,033</u>	<u>109,433</u>
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38. Funeral Service, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program	81,900
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund as provided in Title 34, Chapter 13, 1975 Code of Alabama	<u>81,900</u>
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Total Alabama Board of Funeral Services	<u>81,900</u>	<u>81,900</u>
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38A. Foreign Trade Relations Commission:

(a) Special Services Program	50,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>50,000</u>
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Total Foreign Trade Relations Commission	50,000	50,000
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39. Geological Survey:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program	1,596,049
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The appropriation to the Geological Survey shall include a transfer to the State Personnel Department of \$3,829.

SOURCE OF FUNDS:

(1) State General Fund	1,042,032		
(2) Federal, Local and Miscellaneous Funds		554,017	
Total Geological Survey	1,042,032	554,017	1,596,049

40. Gorgas Memorial Board:

(a) Historical Resources Management Program	8,400
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SOURCE OF FUNDS:

(1) State General Fund as provided in Title 41, Chapter 9, Section 220, 1975 Code of Alabama and an additional amount	7,700		
(2) Federal, Local and Miscellaneous Funds		700	
Total Gorgas Memorial Board ...	7,700	700	8,400

40.A. Industrial Development Training Institute, Ala.

(a) Industrial Training Program	600,000
(1) General Fund	600,000

Total Ala. Industrial Dev. Training Institute	600,000	600,000
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41. Governor's Office:

(a) Executive Director Program	427,400
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SOURCE OF FUNDS:

(1) State General Fund	427,400		
Total Governor's Office	427,400	427,400	

In addition to the above appropriation there is hereby appropriated \$550,000 to the Governor's Office to be conditional upon the condition of the State General Fund and upon approval of the Governor.

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42. Governor's Contingency Fund:

(a) Executive Direction Program 295,480

SOURCE OF FUNDS:

(1) State General Fund 295,480

Total Governor's Contingency
Fund 295,480 295,480

43. Governor's Mansion and Coastal Mansion:

(a) Executive Direction Program 150,000

SOURCE OF FUNDS:

(1) State General Fund 150,000

Total Governor's Mansion and
Coastal Mansion 150,000 150,000

44. Healing Arts, State Licensing Board for the:

(a) Professional and Occupational
Licensing and Regulation Pro-
gram 132,000

The appropriation to the State
Licensing Board for the Healing
Arts shall include a transfer to
the Personnel Department of
\$98.

SOURCE OF FUNDS:

(1) State Licensing Board for the
Healing Arts Fund 132,000

Total State Licensing Board for the
Healing Arts 132,000 132,000

45. Health, Department of Public:

(a) Administrative Services Pro-
gram 3,468,956

(b) Health Support Services Pro-
gram 39,898,533

(c) Personal Health Improvement
Program 30,285,056

(d) Environmental Health Im-
provement Program 6,283,138

(e) Special Services Program 1,227,009

(f) Health Planning, Development
and Regulation Program 5,069,881

The appropriation to the Depart-
ment of Public Health shall in-
clude a transfer to the State Per-
sonnel Department of \$100,605.

SOURCE OF FUNDS:

(1) State General Fund	15,882,000		
(2) Cigarette Tax—1¢ as provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama		1,400,001	
(3) Cigarette Tax—2¢ as provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama		2,150,000	
(4) Vital Statistics Fund		660,000	
(5) Hospital Licensing Fund		85,000	
(6) Emergency Medical Services Fund as provided in Title 22, Chapter 18, Sections 1 through 7, 1975 Code of Alabama		30,000	
(7) Local Health Departments ...	25,990,952		
(8) Water Improvement Commis- sion Fines		300,000	
(9) Miscellaneous Revenues		3,126,835	
(10) Federal Funds		<u>36,607,785</u>	
Total Department of Public Health	<u>15,882,000</u>	<u>70,350,573</u>	<u>86,232,573</u>

46. Health Planning and Development Agency, State:

(a) Health Planning, Development and Regulation Program	950,026
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SOURCE OF FUNDS:

(1) State General Fund	261,000		
(2) Federal, Local and Miscellaneous Funds		<u>689,026</u>	
Total State Health Planning and Development Agency	<u>261,000</u>	<u>689,026</u>	<u>950,026</u>

47. Hearing Aid Dealers, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program	15,400
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SOURCE OF FUNDS:

(1) State Board of Health— Hearing Aid Fund as provided in Title 34, Chapter 14, Articles 1 and 2, 1975 Code of Alabama .	<u>15,400</u>		
Total Alabama Board of Hearing Aid Dealers	<u>15,400</u>	<u>15,400</u>	

48. Highway Department:

(a) Central Administration Program	6,825,251
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(b) Division and District Supervision—State Program ..	12,165,797
(c) Operations and Support Services Program	5,475,948
4qu57(d) Maintenance Program ..	60,000,000
(e) Non-Programmatic Expenditures	43,830,499
Proposed Spending Plan for the above (e) includes the following:	
Debt Service	38,595,075
Equipment—Automotive	5,000,000
Equipment—Other than Automotive	235,424
(f) Construction—Federal Aid Program	248,429,681
Proposed Spending Plan for the above (f) includes the following:	
Federal Aid Matching	39,202,000
Non-Participating Work on Federal Aid Projects	1,000,000
Advance Construction Bonds	30,726,000
Federal Aid	177,501,681
(g) Construction—State Program	94,640,398
(h) Operations—Land & Buildings	2,305,500
The appropriation to the Highway Department shall include a transfer to the State Personnel Department of \$232,144.	

SOURCE OF FUNDS:

(1) State General Fund	75,000
(2) Public Road and Bridge Fund	265,370,393
(3) Federal Aid	177,501,681
(4) Bond Proceeds	30,726,000

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, or Alabama Highway Finance Corporation, a total of \$38,595,075 or so much as maybe necessary for payment of said principal and interest at their respectiv maturities, of the revenues pledged for such payment.

The Highway Director with the consent of the Governor and the Budget Office shall have the authority to transfer any appropriation or any portion

thereof between and among subsections, (a), (b), (c), (d), (e), (f), (g), (h) of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available.

In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable: In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

(1) the appropriations made for Debt Service in section (e) hereof shall be paid in full—

(2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purpose referred to in Sections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in such order and with such priorities as the State Highway Director shall from time to time direct.

The funds appropriated in section (f) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made.

In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available. Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

Total Highway Department	75,000	473,598,074	473,673,074
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49. Highway and Traffic Safety,
Office of:

(a) Traffic Control and Accident Prevention Program			3,551,800
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The appropriation to the Office of
Highway and Traffic Safety shall
include a transfer to the State
Personnel Department of \$491.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	83,600		
(2) Federal Funds		3,468,200	
Total Office of Highway and Traffic Safety	83,600	3,468,200	3,551,800

50. Historic Chattahoochee Com-
mission:

(a) Historical Resources Manage- ment Program			66,500
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SOURCE OF FUNDS:

(1) State General Fund—Transfer	<u>66,500</u>	
Total Historic Chattahoochee Commission	<u>66,500</u>	<u>66,500</u>

51. Historical Commission, Alabama:

(a) Historical Resources Management Program	2,003,218
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The appropriation to the Alabama Historical Commission shall include a transfer to the State Personnel Department of \$736 and expenditures for Fort Toulouse of \$85,000 and for Historic Blakely Foundation of \$50,000.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	409,400		
(2) Federal, Local and Miscellaneous Funds		<u>1,593,818</u>	
Total Alabama Historical Commission	<u>409,400</u>	<u>1,593,818</u>	<u>2,003,218</u>

52. Industrial Relations, Department of:

(a) Skills Enhancement and Employment Opportunities Program	99,159,393
(b) Unemployment Compensation Program	180,333,617
(c) Administrative Services Program	6,340,871
(d) Industrial Safety and Accident Prevention Program	4,806,561
(e) Employment and Social Opportunities Program	325,810

The appropriation to the Department of Industrial Relations shall include a transfer to the State Personnel Department of \$70,212.

SOURCE OF FUNDS:

(1) State General Fund	652,500		
(2) Federal, Local and Miscellaneous Funds		<u>290,313,752</u>	
Total Department of Industrial Relations	<u>652,500</u>	<u>290,313,752</u>	<u>290,966,252</u>

53. Insurance Board, State Employees':

(a) Administrative Support Services Program	72,434
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SOURCE OF FUNDS:

(1) State General Fund	72,434	
Total State Employees' Insurance Board	72,434	72,434

54. Insurance, Department of:

(a) Regulatory Services Program	1,867,597
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The appropriation to the Department of Insurance shall include a transfer to the State Personnel Department of \$2,749.

SOURCE OF FUNDS:

(1) State General Fund	906,469		
(2) Examination Revolving Fund as provided in Title 27, Chapter 2, Section 25, Code of Alabama 1975		820,253	
(3) Fire Marshals' Fund as provided in Title 24, Chapter 5, Article 1, 1975 Code of Alabama. Any balance in excess of \$50,000 at the end of the fiscal year shall be transferred to the State General Fund		140,875	
Total Department of Insurance ..	906,469	961,128	1,867,597

55. Labor, Department of:

(a) Regulatory Services Program	249,670
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SOURCE OF FUNDS:

(1) State General Fund	212,164		
(2) Federal, Local and Miscellaneous Funds		37,506	
Total Department of Labor	212,164	37,506	249,670

56. LaGrange Historical Site—Alabama Historical Commission:

(a) Historical Resources Management Program	2,140
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SOURCE OF FUNDS:

(1) State General Fund—as provided in Title 41, Chapter 9, Section 270, 1975 Code of Alabama	2,140
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Total LaGrange Historical Site— Alabama Historical Commission	2,140	2,140
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57. Landscape Architects, Board of
Examiners of:

(a) Professional and Occupational Licensing and Regulation Pro- gram	4,650
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SOURCE OF FUNDS:

(1) Landscape Architects Fund ..	4,650
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Total Board of Examiners of Land- scape Architects	4,650	4,650
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58. Law Enforcement Planning
Agency, Alabama:

(a) Law Enforcement Planning and Development Program	8,644,885
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The appropriation to the Alabama
Law Enforcement Planning
Agency shall include a transfer
to the State Personnel Depart-
ment of \$2,602.

SOURCE OF FUNDS:

(1) State General Fund—Transfer for Matching Federal Funds ...	596,780
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(2) Federal, Local and Miscellane- ous Funds	8,048,105
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Total Alabama Law Enforcement Planning Agency	596,780	8,048,105	8,644,885
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59. Liquefied Petroleum Gas
Board:

(a) Regulatory Services Program	124,176
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The appropriation to the Liquefied
Petroleum Gas Board shall in-
clude a transfer to the State Per-
sonnel Department of \$147.

SOURCE OF FUNDS:

(1) L. P. Gas Board Fund	124,176
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Total Liquefied Petroleum Gas Board	124,176	124,176
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60. Medical Services Administra-
tion:

(a) Medical Assistance through Medicaid Program	227,678,668
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The appropriation to the Medical Services Administration shall include a transfer to the State Personnel Department of \$9,770.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	66,000,000		
(2) Federal, Local and Miscellaneous Funds		<u>161,678,668</u>	
Total Medical Services Administration	<u>66,000,000</u>	<u>161,678,668</u>	<u>227,678,668</u>

In addition to the above appropriation there is hereby appropriated \$34,000,000 to Medical Services Administration to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

61. Mental Health, Department of:

(a) Institutional Treatment and Care—Mental Illness Program	52,200,542
(b) Institutional Treatment and Care—Mental Retardation Program	44,487,299
(c) Institutional Treatment and Care—Criminally Insane Program	348,297
(d) Non-Institutional Treatment and Care Program	25,753,454
(Of this amount, \$11,010,567 shall be used for Community Programs.)	
(e) Administrative Services Program	3,519,368

The appropriation to the Department of Mental Health shall include a transfer to the State Personnel Department of \$284,289.

SOURCE OF FUNDS:

(1) Special Mental Health Fund—For Operations and Maintenance of the State Mental Health Department including the purchase of drugs to medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals	68,195,817
(2) Special Mental Health Fund—Community Programs ..	11,010,567

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(3) Transfer from ABC Profits ..	1,000,000	
(4) Cigarette Tax—1¢	925,455	
(5) Cigarette Tax—2¢	4,909,922	
(6) Federal, Local and Miscellaneous Funds	23,867,199	
(7) Federal Revenue Sharing	<u>16,400,000</u>	
Total Department of Mental Health	126,308,960	126,308,960

In addition to the above appropriation there is hereby appropriated \$20,000,000 to the Department of Mental Health to be conditional upon the condition of the State General Fund and upon approval of the Governor.

62. A—Military Department:

(a) Military Operations Program	3,583,482
(b) Capital Outlay	595,132

SOURCE OF FUNDS:

(1) State General Fund—Transfer Capital Outlay for the Armories at Atmore, Fayette, Huntsville, Jackson, Montgomery, and Sub-Surface Soil Investigation .	525,600	
(2) State General Fund—Transfer for Architect and Engineering Services and Specifications for the Armories at Atmore, Birmingham, Goodwater, Guin and Monroeville	69,532	
(3) State General Fund—Operations	907,176	
(4) State General Fund—Quarterly Allowances Headquarters—Regular Allowance Units to be used solely for operating expenses; provided, that no more than \$4,500 shall be allotted in any fiscal year for the Headquarters Alabama National Guard	749,000	
(5) State General Fund—Active Military Service	113,610	
(6) State General Fund—Transfer to Armory Commission	<u>1,813,696</u>	
Total Military Department	<u>4,178,614</u>	<u>4,178,614</u>

62. B—Armory Commission of
Alabama:

(a) Military Operations Program 2,631,374

SOURCE OF FUNDS:

(1) Transfer from Military De-
partment 1,813,696(2) Federal, Local and Miscellane-
ous Funds 817,678

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of armories. Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Ala- bama	<u>2,631,374</u>	<u>2,631,374</u>
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63. Nursing Home Adminis-
trators, Board of Examiners of:(a) Professional and Occupational
Licensing and Regulation Pro-
gram 11,000

SOURCE OF FUNDS:

(1) Board of Examiners of Nursing
Home Administrators Fund ... 11,000

Total Board of Examiners of Nurs- ing Home Administrators	<u>11,000</u>	<u>11,000</u>
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64. Oil and Gas Board:

(a) Management and Regulation of
Oil and Gas Exploration and De-
velopment Program 836,094

SOURCE OF FUNDS:

(1) State General Fund 836,094

Total Oil and Gas Board	<u>836,094</u>	<u>836,094</u>
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65. Pardons and Paroles, Board of:

(a) Administration of Pardons and
Paroles Program 4,057,946

The appropriation to the Board of Pardons and Paroles shall include a transfer to the State Personnel Department of \$9,869.

SOURCE OF FUNDS:

(1) State General Fund 2,526,921

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(2) Probationers Upkeep Fund ..	1,098,613		
(3) Federal, Local and Miscellaneous Funds	<u>432,412</u>		
Total Board of Pardons and Paroles	<u>2,526,921</u>	<u>1,531,025</u>	<u>4,057,946</u>

66. Peace Officers' Annuity and Benefit Fund, Alabama:

(a) Retirement Systems Program	170,715
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund as provided in Title 36, Chapter 21, Article 4, 1975 Code of Alabama	<u>170,715</u>
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Total Alabama Peace Officers' Annuity and Benefit Fund	<u>170,715</u>	<u>170,715</u>
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67. Pensions:

- (a) Social Services Program—For Confederate Veterans and their widows:

Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors and their widows.

SOURCE OF FUNDS:

- (1) Proceeds from the levy of the one mill tax as provided by Title 40, Chapter 8, Section 361, 1975 Code of Alabama.

68. Pensions and Security:

(a) Financial Assistance Program	115,680,637
(b) Social Services Program	77,518,545
(c) Food Assistance Program	21,639,606
(d) Child Support Enforcement Program	7,246,008

The appropriation to Pensions and Security shall include a transfer to the State Personnel Department of \$189,771.

SOURCE OF FUNDS:

(1) Federal, Local and Miscellaneous Funds	149,938,627
(2) Liquor License Tax	1,572,000
(3) ABC Profits	2,135,431
(4) Whiskey Tax	20,527,915
(5) State General Fund	5,000,000

(6) Beer Tax	7,213,360		
(7) Pension Residue	6,845,000		
(8) Sales Tax	1,322,000		
(9) Franchise Tax	9,476,000		
(10) Contracts, Service Fees	364,144		
(11) Child Support Collections ..	1,574,119		
(12) Sales Tax for Food Stamps ..	10,200,000		
(13) Cigarette Tax	4,525,000		
(14) Contractor's Gross Receipts Tax	1,387,000		
(15) Pension Fund	4,200		
Total Pensions and Security	5,000,000	217,084,796	222,084,796

In addition to the above appropriation there is hereby appropriated \$6,000,000 to the Department of Pensions and Security to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

69. Personnel Department, State:

(a) Administrative Support Pro- gram	1,648,588
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SOURCE OF FUNDS:

(1) State General Fund—Transfer	128,512	
(2) Federal, Local and Miscellane- ous Funds	259,000	
(3) Transfer from Department of Aeronautics	196	
(4) Transfer from Commission on Aging	982	
(5) Transfer from Agriculture and Industries	17,725	
(6) Transfer from Agricultural Center Board	392	
(7) Transfer from Alcoholic Beverage Control Board	58,920	
(8) Transfer from Board of Regis- tration of Architects	98	
(9) Transfer from State Banking Department	2,062	
(10) Transfer from Finance— Alabama Building Authority ..	589	
(11) Transfer from Finance— Alabama Building Finance Au- thority	491	
(12) Transfer from Building Com- mission	98	

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(13) Transfer from Civil Defense Department	1,423
(14) Transfer from Coastal Area Board	245
(15) Transfer from Conservation Department	27,005
(16) Transfer from State Licensing Board For General Contractors	245
(17) Transfer from Board of Corrections	59,214
(18) Transfer from Board of Cosmetology	491
(19) Transfer from Criminal Justice Information Center	2,602
(20) Transfer from Alabama Dairy Commission	540
(21) Transfer from Alabama Development Office	3,093
(22) Transfer from State Docks ..	4,812
(23) Transfer from Education ...	67,905
(24) Transfer from Education Study Commission	98
(25) Transfer from Board of Registration for Professional Engineers and Land Surveyors ...	245
(26) Transfer from Firefighters Personnel Standards and Education Commission	196
(27) Transfer from Forestry Commission	19,983
(28) Transfer from Geological Survey	3,829
(29) Transfer from State Licensing Board for the Healing Arts	98
(30) Transfer from Health Department	100,605
(31) Transfer from Highway Department	232,144
(32) Transfer from Highway and Traffic Safety	491
(33) Transfer from Alabama Historical Commission	736
(34) Transfer from Industrial Relations	70,212
(35) Transfer from Insurance Department	2,749

(36) Transfer from Law Enforcement Planning Agency	2,602		
(37) Transfer from Liquefied Petroleum Gas Board	147		
(38) Transfer from Medical Services Administration	9,770		
(39) Transfer from Department of Mental Health	284,289		
(40) Transfer from Board of Nursing	540		
(41) Transfer from Pardons and Paroles	9,869		
(42) Transfer from Peace Officers Standards and Training Commission	98		
(43) Transfer from Pensions and Security	189,771		
(44) Transfer from Physical Fitness Commission	196		
(45) Transfer from Board of Physical Therapy	49		
(46) Transfer from Office of State Planning and Federal Programs	2,062		
(47) Transfer from Public Library Service	2,700		
(48) Transfer from Public Service Commission	3,829		
(49) Transfer from Real Estate Commission	932		
(50) Transfer from Retirement Systems	4,320		
(51) Transfer from Department of Revenue	45,270		
(52) Transfer from Board of Social Work Examiners	49		
(53) Transfer from Surface Mining Reclamation Commission	982		
(54) Transfer from Department of Toxicology and Criminal Investigation	3,240		
(55) Transfer from Department of Youth Services	19,787		
Total State Personnel Department	128,512	1,520,016	1,648,528
70. Physical Therapy, Board of:			

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(a) Professional and Occupational Licensing and Regulation Program	19,800
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The appropriation to the Board of Physical Therapy shall include a transfer to the State Personnel Department of \$49.

SOURCE OF FUNDS:

(1) Physical Therapist Fund	19,800	
Total Board of Physical Therapy	19,800	19,800

71. Planning and Federal Programs, Office of State:

(a) State Planning Program	6,708,430
(b) Energy Management Program	10,310,000
(c) Special Services Program	390,608

The appropriation to the Office of State Planning and Federal Programs shall include a transfer to the State Personnel Department of \$2,062.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	2,193,770	
(2) Federal, Local and Miscellaneous Funds	15,215,268	
Total Office of State Planning and Federal Programs	2,193,770	15,215,268
		17,409,038

72. Prevailing Wage Commission:

(a) Regulatory Services Program	14,580
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SOURCE OF FUNDS:

(1) State General Fund	14,580	
Total Prevailing Wage Commission	14,580	14,580

73. Prosecution Services, Office of:

(a) Prosecution, Training, Education and Management Program	131,591
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SOURCE OF FUNDS:

(1) Federal, Local and Miscellaneous Funds	131,591	
Total Office of Prosecution Services	131,591	131,591

74. Psychology, Alabama Board of Examiners in:

(a) Professional and Occupational Licensing and Regulation Program	16,000
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SOURCE OF FUNDS:

(1) Board of Examiners of Psychology Fund	<u>16,000</u>	
Total Alabama Board of Examiners in Psychology	<u>16,000</u>	<u>16,000</u>

75. Public Safety, Department of:

(a) Traffic Control and Accident Prevention Program	11,585,308
(b) Criminal Investigation Program	2,157,197
(c) Driver's Licensing and Improvement Program	5,510,515
(d) Public Safety Support Services Program	8,457,743
(e) Administrative Services Program	1,789,237
(f) Alabama Criminal Justice Training Center Program	1,600,000

SOURCE OF FUNDS:

(1) State General Fund	30,520,000	
(2) State General Fund—Capital Outlay—Building and Equipping	<u>580,000</u>	
Total Department of Public Safety	<u>31,100,000</u>	<u>31,100,000</u>

76. Public Service Commission:

(a) Administrative Services Program	543,580
(b) Regulatory Services Program	2,956,420

The appropriation to the Public Service Commission shall include a transfer to the State Personnel Department of \$3,829.

SOURCE OF FUNDS:

(1) Public Service Commission Fund	3,500,000
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The above appropriations to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$500,000 shall be transferred to the State General Fund.

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Total Public Service Commission	3,500,000	3,500,000
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77. Real Estate Commission, Alabama:

(a) Professional and Occupational Licensing and Regulation Program		600,000
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The appropriation to the Alabama Real Estate Commission shall include a transfer to the State Personnel Department of \$932.

SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund—as provided in Title 34, Chapter 27, 1975 Code of Alabama, as amended and the total expenditures shall in no manner exceed the amounts hereby appropriated	600,000	
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Total Alabama Real Estate Commission	600,000	600,000
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78. Retirement System of Alabama, Employees' (General Fund Share):

(a) Retirement System Program, Estimated		7,754,674
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SOURCE OF FUNDS:

(1) State General Fund—Estimated	7,754,674	
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Total Employees' Retirement System of Alabama (General Fund Share)	7,754,674	7,754,674
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79. Revenue Department:

(a) State Revenue Administration Program		21,622,498
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The appropriation to the Revenue Department shall include a transfer to the State Personnel Department of \$45,270.

SOURCE OF FUNDS:

(1) State General Fund—as provided in Title 40, Chapter 7, Article 2, Division 1, 1975 Code of Alabama, to maintain a program for the equalization of ad valorem tax assessments	250,000	
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(2) Transfer from the gross proceeds of Cigarette Tax Collections, Title 40, Chapter 25, Section 2 and 23, 1975 Code of Alabama	295,290
(3) Transfer from the gross proceeds of Financial Institution Excise Tax Collections	229,890
(4) Transfer from the gross proceeds of the Forest Severance Tax Collections	195,605
(5) Transfer from the gross proceeds of Gasoline Tax Collections	1,533,924
(6) Transfer from the Income Tax Collections	5,102,655
(7) Transfer from the gross proceeds of Motor Fuel Tax Collections	885,871
(8) Transfer from the gross proceeds of Motor Vehicle License Collections	895,780
(9) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax	273,490
(10) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	675,798
(11) Transfer from the gross proceeds of Sales Tax Collections ..	7,115,921
(12) Transfer from the gross proceeds of the Tobacco Tax Collections	1,460,597
(13) Transfer from the gross proceeds of Use Tax Collections ..	697,598
(14) Transfer from the gross proceeds of the Utility Tax Collections—as provided in Title 40, Chapter 21, Article 4, 1975 Code of Alabama	455,817
(15) Federal, Local and Miscellaneous Funds	1,554,262

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law.

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Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Revenue Department	250,000	21,372,498	21,622,498
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80. Revenue—Auto Title and Antitheft:

(a) State Revenue Administration Program			937,500
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SOURCE OF FUNDS:

(1) State General Fund—Transfer	937,500		
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Total Revenue—Auto Title and Antitheft	937,500		937,500
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81. Revenue—Boards of Equalization:

(a) State Revenue Administration Program			136,800
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SOURCE OF FUNDS:

(1) State General Fund	136,800		
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Total Revenue—Boards of Equalization	136,800		136,800
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82. Revenue—Motor Vehicle License:

(a) State Revenue Administration Program			1,918,050
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SOURCE OF FUNDS:

(1) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags .		1,918,050	
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Total Revenue—Motor Vehicle License	1,918,050		1,918,050
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83. Richmond P. Hobson Memorial Board:

(a) Historical Resources Management Program			7,270
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SOURCE OF FUNDS:

(1) State General Fund—as provided in Title 41, Chapter 9, Section 221, 1975 Code of Alabama, and an additional amount	7,270		
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Total Richmond P. Hobson Memorial Board	<u>7,270</u>	<u>7,270</u>
84. Sanitarians, Board of Registration for:		
(a) Professional and Occupational Licensing and Regulation Program		3,700
SOURCE OF FUNDS:		
(1) Registration Board of Sanitarians Fund—as provided in Title 34, Chapter 28, 1975 Code of Alabama	<u>3,700</u>	
Total Board of Registration for Sanitarians	<u>3,700</u>	<u>3,700</u>
85. Secretary of State:		
(a) Administrative Support Services Program		365,000
SOURCE OF FUNDS:		
(1) State General Fund	<u>365,000</u>	
Total Secretary of State	<u>365,000</u>	<u>365,000</u>
86. Securities Commission:		
(a) Regulatory Services Program		475,314
SOURCE OF FUNDS:		
(1) State General Fund	390,314	
(2) Federal, Local and Miscellaneous Funds		60,619
(3) Sales of Checks License Fund		7,381
(4) Exemption Fund		<u>17,000</u>
Total Securities Commission	<u>390,314</u>	<u>85,000</u>
		<u>475,314</u>
87. Social Security Agency:		
(a) Administrative Support Services Program		201,648
SOURCE OF FUNDS:		
(1) State General Fund	191,200	
(2) Contribution Fund		<u>10,448</u>
Total Social Security Agency	<u>191,200</u>	<u>10,448</u>
		<u>201,648</u>
88. Social Work Examiners, Alabama State Board of:		
(a) Professional and Occupational Licensing and Regulation Program		43,500

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The appropriation to the Alabama State Board of Social Work Examiners shall include a transfer to the State Personnel Department of \$49.

SOURCE OF FUNDS:

(1) Alabama State Board of Social Work Examiners Fund—as provided in Title 34, Chapter 30, 1975 Code of Alabama	43,500	
Total Alabama State Board of Social Work Examiners	<u>43,500</u>	<u>43,500</u>

89. Soil and Water Conservation Committee, Alabama State:

(a) Water Resource Development Program	415,235
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SOURCE OF FUNDS:

(1) State General Fund	415,235	
Total Alabama State Soil and Water Conservation Committee	<u>415,235</u>	<u>415,235</u>

90. Southern Growth Policies Board:

(a) Special Services Program	25,300
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SOURCE OF FUNDS:

(1) State General Fund	25,300	
Total Southern Growth Policies Board	<u>25,300</u>	<u>25,300</u>

91. Space Science Exhibit Commission, Alabama:

(a) Tourism and Travel Promotion Program	3,077,760
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SOURCE OF FUNDS:

(1) State General Fund—Capital Outlay	500,000	
(2) Federal, Local and Miscellaneous Funds	<u>2,577,760</u>	
Total Alabama Space Science Exhibit Commission	<u>500,000</u>	<u>2,577,760</u>
		<u>3,077,760</u>

92. Speech Pathology and Audiology, Alabama Board of Examiners for:

(a) Professional and Occupational Licensing and Regulation Program	12,000
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SOURCE OF FUNDS:

- (1) Alabama Board of Examiners
for Speech Pathology and Au-
diology Fund—as provided in
Title 34, Chapter 28A, 1975 Code
of Alabama

12,000

Total Alabama Board of Examiners
for Speech Pathology and Au-
diology

12,000

12,000

93. Surface Mining Reclamation
Commission:

- (a) Industrial Safety and Accident
Prevention Program

1,828,900

The appropriation to the Surface
Mining Reclamation Commis-
sion shall include a transfer to
the State Personnel Department
of \$982.

SOURCE OF FUNDS:

- (1) Surface Mining Reclamation
Commission Fund—as provided
by Title 9, Chapter 16, Article 2,
1975 Code of Alabama. All fees
and charges, grants, gifts, fines,
bond forfeitures or other monies
received under the above act, in
addition to the appropriation
herein made, are appropriated to
the Surface Mining Reclamation
Commission

1,828,900

Total Surface Mining Reclamation
Commission

1,828,900

1,828,900

94. Tannehill Historical State
Park:

- (a) Historical Resources Manage-
ment Program

778,000

SOURCE OF FUNDS:

- (1) State General Fund 200,000

- (2) Federal, Local and Miscellane-
ous Funds

578,000

Total Tannehill Historical State
Park

200,000

578,000

778,000

95. Tennessee-Tombigbee Water-
way Development Authority:

- (a) Water Resource Development
Program

474,951

SOURCE OF FUNDS:

(1) State General Fund—as provided in Title 33, Chapter 8, 1975 Code of Alabama as amended	140,000		
(2) Federal, Local and Miscellaneous Funds		<u>334,951</u>	
Total Tennessee-Tombigbee Waterway Development Authority	<u>140,000</u>	<u>334,951</u>	<u>474,951</u>

96. Toxicology and Criminal Investigation, Alabama Department of:

(a) Forensic Science Services Program			2,846,500
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The appropriation to the Alabama Department of Toxicology and Criminal Investigation shall include a transfer to the State Personnel Department of \$3,240.

SOURCE OF FUNDS:

(1) State General Fund	1,955,000		
(2) State General Fund—Transfer—Capital Outlay	700,000		
(3) Federal, Local and Miscellaneous Funds		<u>191,500</u>	
Total Alabama Department of Toxicology and Criminal Investigation	<u>2,655,000</u>	<u>191,500</u>	<u>2,846,500</u>

97. Treasurer, State:

(a) Fiscal Management Program			864,500
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SOURCE OF FUNDS:

(1) State General Fund	<u>864,500</u>		
Total State Treasurer	<u>864,500</u>		<u>864,500</u>

98. Uniform State Laws, Commission on:

(a) Special Services Program			4,275
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SOURCE OF FUNDS:

(1) State General Fund—as provided in Title 41, Chapter 9, Article 12, 1975 Code of Alabama	<u>4,275</u>		
Total Commission on Uniform State Laws	<u>4,275</u>		<u>4,275</u>

99. Veterans Affairs, Department of:

(a) Administration of Veterans Affairs Program		1,560,430
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,560,430</u>	
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Total Department of Veterans Affairs	<u>1,560,430</u>	<u>1,560,430</u>
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100. Veterinary Medical Examiners, Alabama State Board of:

(a) Professional and Occupational Licensing and Regulation Program		10,925
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SOURCE OF FUNDS:

(1) State Board of Veterinary Medical Examiners Fund—as provided in Title 34, Chapter 29, 1975 Code of Alabama	<u>10,925</u>	
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Total Alabama State Board of Veterinary Medical Examiners ...	<u>10,925</u>	<u>10,925</u>
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101. Water and Waste Water Systems Personnel, Board of Certification for:

(a) Professional and Occupational Licensing and Regulation Program		4,800
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SOURCE OF FUNDS:

(1) Operators Certification Fund—as provided in Title 22, Chapter 25, 1975 Code of Alabama	<u>4,800</u>	
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Total Board of Certification for Water and Waste Water Systems Personnel	<u>4,800</u>	<u>4,800</u>
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102. Water Well Standards Board, Alabama:

(a) Professional and Occupational Licensing and Regulation Program		51,000
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SOURCE OF FUNDS:

(1) Well Digger's Licensing Fund—as provided in Title 22, Chapter 24, 1975 Code of Alabama	<u>51,000</u>	
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Total Alabama Water Well Standards Board	<u>51,000</u>	<u>51,000</u>
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103. Women's Commission, Alabama:

(a) Employment and Social Opportunities Program 10,300

SOURCE OF FUNDS:

(1) State General Fund 10,300

Total Alabama Women's Commission 10,300 10,300

104. Firefighters' Personnel Standards and Education Commission, Alabama

(a) Professional and Occupational Licensing & Regulation Program 135,325

The appropriation to the Alabama Firefighters' Personnel Standards and Education Commission shall include a transfer to the State Personnel Department of \$196.

SOURCE OF FUNDS:

(1) General Fund 135,325

Total Alabama Firefighters' Personnel Standards and Education Commission 135,325 135,325

105. Library Service, Public

(a) Public Library Service Program 3,844,162

The appropriation to the Public Library Service shall include a transfer to the State Personnel Department of \$2,700.

SOURCE OF FUNDS:

(1) General Fund 2,685,000

(2) Federal and Local Funds 1,159,162

Total Public Library Service 2,685,000 1,159,162 3,844,162

106. Peace Officers Standards and Training Commission, Alabama

(a) Professional and Occupational Licensing and Regulation Program 80,000

(b) Certified Law Enforcement Academy Programs 202,000

Jacksonville State University 50,500

University of Alabama 50,500

James H. Faulkner Jr. Col. 50,500

Troy State Univ. Mont-
gomery 50,500

The appropriation to the Alabama
Peace Officers Standards and
Training Commission shall in-
clude a transfer to the State Per-
sonnel Department of \$98.

SOURCE OF FUNDS:

(1) General Fund 282,000

Total Alabama Peace Officers
Standards and Training Com-
mission

282,000282,000D. OTHER FUNCTIONS OF
GOVERNMENT FUNDED
FROM THE GENERAL FUND:

1. Advertising Lands for Tax Sale:

(a) State Revenue Administration
Program, Estimated

45,000

SOURCE OF FUNDS:

(1) State General Fund 45,000

Total Advertising Lands for Tax
Sale

45,00045,000

2. Arrest of Absconding Felons:

(a) Criminal Investigation Pro-
gram, Estimated

51,000

SOURCE OF FUNDS:

(1) State General Fund 51,000

Total Arrest of Absconding Felons

51,00051,000

3. Automatic Appeal Expense:

(a) Legal Advice and Legal Service
Program, Estimated

1,700

SOURCE OF FUNDS:

(1) State General Fund as provided
in Title 12, Chapter 22, Sections
150 and 241, 1975 Code of Ala-
bama

1,700

Total Automatic Appeal Expense

1,7001,7004. Civil Court Costs in Connection
with Ad Valorem Tax Assess-
ments Appeals:

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(a) State Revenue Administration Program, Estimated		200
SOURCE OF FUNDS:		
(1) State General Fund	<u>200</u>	
Total Civil Court Costs in Con- nection with Ad Valorem Tax As- sessments Appeals	<u>200</u>	<u>200</u>
5. Consumer Utility Rate Hearing:		
(a) Executive Direction Program		250,000
SOURCE OF FUNDS:		
(1) State General Fund as provided in Title 37, Chapter 1, Article 1, 1975 Code of Alabama	<u>250,000</u>	
Total Consumer Utility Rate Hear- ing	<u>250,000</u>	<u>250,000</u>
6. Council of State Governments:		
(a) Legislative Operations and Support Program		42,100
SOURCE OF FUNDS:		
(1) State General Fund	<u>42,100</u>	
Total Council of State Govern- ments	<u>42,100</u>	<u>42,100</u>
7. Court Costs—Act No. 558, 1957:		
(a) Court Operations Program, Es- timated		50,000
SOURCE OF FUNDS:		
(1) State General Fund pursuant to Act No. 558, 1957, page 777	<u>50,000</u>	
Total Court Costs—Act No. 558, 1957	<u>50,000</u>	<u>50,000</u>
8. Courts Costs Not Otherwise Provided for:		
(a) Legal Advice and Legal Service Program, Estimated		670,000
SOURCE OF FUNDS:		
(1) State General Fund	<u>670,000</u>	
Total Court Costs Not Otherwise Provided For	<u>670,000</u>	<u>670,000</u>
9. Distribution of Public Docu- ments:		

(a) Administrative Support Service Program, Estimated		1,500
SOURCE OF FUNDS:		
(1) State General Fund	<u>1,500</u>	
Total Distribution of Public Documents	<u>1,500</u>	<u>1,500</u>
10. Election Expenses:		
(a) Special Services Program, Estimated		500,000
SOURCE OF FUNDS:		
(1) State General Fund	<u>500,000</u>	
Total Election Expenses	<u>500,000</u>	<u>500,000</u>
11. Emergency Fund, Departmental:		
(a) Special Services Program		450,000
SOURCE OF FUNDS:		
(1) State General Fund		
(This is the appropriation contemplated in Title 41, Chapter 4, Section 94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section)	<u>450,000</u>	
Total Departmental Emergency Fund	<u>450,000</u>	<u>450,000</u>
12. Fair Trial Tax Transfer:		
(a) Court Operations Program ..		100,000
SOURCE OF FUNDS:		
(1) State General Fund	<u>100,000</u>	
Total Fair Trial Tax Transfer ...	<u>100,000</u>	<u>100,000</u>
13. Feeding of Prisoners:		
(a) Institutional Services Corrections Program, Estimated		3,000,000
SOURCE OF FUNDS:		
(1) State General Fund for expenses of feeding prisoners in county jails	<u>3,000,000</u>	
Total Feeding of Prisoners	<u>3,000,000</u>	<u>3,000,000</u>
14. General Government:		
SOURCE OF FUNDS:		
(1) Federal Revenue Sharing	<u>12,500,000</u>	

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Total General Government	12,500,000	12,500,000
15. Governors' Conference, National:		
(a) Executive Direction Program		40,892
SOURCE OF FUNDS:		
(1) State General Fund	40,892	
Total National Governors' Conference	40,892	40,892
16. Governor's Councillor:		
(a) Executive Direction Program		36,000
SOURCE OF FUNDS:		
(1) State General Fund as provided in Title 36, Chapter 13, Section 13, 1975 Code of Alabama	36,000	
Total Governor's Councillor	36,000	36,000
17. Governor's Proclamation Expenses:		
(a) Executive Direction Program		150,000
SOURCE OF FUNDS:		
(1) State General Fund	150,000	
Total Governor's Proclamation Expenses	150,000	150,000
18. Governors' Widows Retirement:		
(a) Executive Direction Program		14,400
SOURCE OF FUNDS:		
(1) State General Fund	14,400	
Total Governors' Widows Retirement	14,400	14,400
19. Insurance, State Employees':		
(a) Administrative Support Service Program, Estimated		2,100,000
SOURCE OF FUNDS:		
(1) State General Fund, Estimated	2,100,000	
Total State Employees' Insurance	2,100,000	2,100,000
20. Interpreter's Account:		
(a) Court Support Services Program, Estimated		1,000

SOURCE OF FUNDS:

- (1) State General Fund as provided
in Title 12, Chapter 21, Sections
131-134, 1975 Code of Alabama

1,000

Total Interpreter's Account 1,000

1,000

21. Law Enforcement Fund:

- (a) Special Police Services Pro-
gram

9,000

SOURCE OF FUNDS:

- (1) State General Fund—Transfer 9,000

Total Law Enforcement Fund . . . 9,000

9,00022. Law Enforcement Legal De-
fense:

- (a) Legal Advice and Legal Service
Program

5,000

SOURCE OF FUNDS:

- (1) State General Fund to carry out
provisions of Act No. 259, 1957
Regular Session

5,000

Total Law Enforcement Legal De-
fense 5,000

5,00023. Legislators, National Confer-
ence of State:

- (a) Legislative Operations and
Support Program

38,720

SOURCE OF FUNDS:

- (1) State General Fund 38,720

Total National Conference of State
Legislators 38,720

38,720

24. Mailing Tax Notices:

- (a) State Revenue Administration
Program, Estimated

1,000

SOURCE OF FUNDS:

- (1) State General Fund 1,000

Total Mailing Tax Notices 1,000

1,00025. Matching Federal Funds Not
Otherwise Provided For:

- (a) Court Operations Program . . .

90,000

SOURCE OF FUNDS:

- (1) State General Fund 90,000

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Total Matching Federal Funds Not Otherwise Provided For	90,000	90,000
26. Mental Health Fund, Alabama Special:		22,562,500
SOURCE OF FUNDS:		
(1) State General Fund Transfer	22,562,500	
Total Alabama Special Mental Health Fund	22,562,500	22,562,500
27. Printing of Legislative Acts and Journals:		
(a) Administrative Support Ser- vices Program, Estimated		163,300
SOURCE OF FUNDS:		
(1) State General Fund	163,300	
Total Printing of Legislative Acts and Journals	163,300	163,300
28. Printing of State and County Privilege Licenses:		
(a) State Revenue Administration Program		11,000
SOURCE OF FUNDS:		
(1) State General Fund	11,000	
Total Printing of State and County Privilege Licenses	11,000	11,000
29. Public Defenders:		
(a) Court Operations Program ..		33,000
SOURCE OF FUNDS:		
(1) State General Fund for salaries of Public Defenders for the 21st Judicial Circuit, as provided by Act No. 1158, 1969 Regular Ses- sion	33,000	
Total Public Defenders	33,000	33,000
30. Registration of Voters:		
(a) Special Services Program, Es- timated		600,000
SOURCE OF FUNDS:		
(1) State General Fund	600,000	
Total Registration of Voters	600,000	600,000
31. Removal of Prisoners:		
(a) Special Police Services Pro- gram, Estimated		105,000

SOURCE OF FUNDS:

(1) State General Fund	<u>105,000</u>	
Total Removal of Prisoners	<u>105,000</u>	<u>105,000</u>

32. Social Security (General Fund Share):

(a) Administrative Support Service Program, Estimated		3,700,000
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(Includes payment to MICA)

SOURCE OF FUNDS:

(1) State General Fund	<u>3,700,000</u>	
Total Social Security (General Fund Share)	<u>3,700,000</u>	<u>3,700,000</u>

33. State Treasurer—Previous Year's Unpaid Warrants:

(a) Special Services Program, Estimated		136,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>136,000</u>	
Total State Treasurer—Previous Years Unpaid Warrants	<u>136,000</u>	<u>136,000</u>

E. FINANCIAL ASSISTANCE TO NON-STATE AGENCIES:

1. Amos Alonzo Stagg Bowl:

(a) Tourism and Travel Promotion Program		3,850
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SOURCE OF FUNDS:

(1) State General Fund	<u>3,850</u>	
Total Amos Alonzo Stagg Bowl ..	<u>3,850</u>	<u>3,850</u>

2. Appalachian Regional Commission:

(a) Planning Program		168,625
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SOURCE OF FUNDS:

(1) State General Fund	<u>168,625</u>	
Total Appalachian Regional Commission	<u>168,625</u>	<u>168,625</u>

3. Armed Forces Day in Alabama:

(a) Historical Resources Management Program		1,150
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,150</u>	
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Total Armed Forces Day in Alabama	<u>1,150</u>	<u>1,150</u>
4. Azalea Trail Festival, Mobile:		
(a) Tourism and Travel Promotion Program		2,140
SOURCE OF FUNDS:		
(1) State General Fund	<u>2,140</u>	
Total Mobile Azalea Trail Festival	<u>2,140</u>	<u>2,140</u>
5. Big Nance Creek Water Management District:		
(a) Water Resource Development Program		1,925
SOURCE OF FUNDS:		
(1) State General Fund	<u>1,925</u>	
Total Big Nance Creek Water Management District	<u>1,925</u>	<u>1,925</u>
6. Birmingham Chamber Music Society:		
(a) Fine Arts Program		2,140
SOURCE OF FUNDS:		
(1) State General Fund	<u>2,140</u>	
Total Birmingham Chamber Music Society	<u>2,140</u>	<u>2,140</u>
7. Birmingham Festival of Arts, Inc.:		
(a) Fine Arts Program		21,380
SOURCE OF FUNDS:		
(1) State General Fund	<u>21,380</u>	
Total Birmingham Festival of Arts, Inc.	<u>21,380</u>	<u>21,380</u>
8. Birmingham Sickie Cell:		
(a) Sickie Cell Education Program		30,000
SOURCE OF FUNDS:		
(1) State General Fund	<u>30,000</u>	
Total Birmingham Sickie Cell ...	<u>30,000</u>	<u>30,000</u>
9. Blue and Gray Association Inc.:		
(a) Tourism and Travel Promotion Program		7,700
SOURCE OF FUNDS:		
(1) State General Fund	<u>7,700</u>	

Total Blue and Gray Association, Inc.	<u>7,700</u>	<u>7,700</u>
10. Chilton County Peach Festival:		
(a) Tourism and Travel and Promotion Program		6,400
SOURCE OF FUNDS:		
(1) State General Fund	<u>6,400</u>	
Total Chilton County Peach Festival	<u>6,400</u>	<u>6,400</u>
11. Choccolocco Creek Watershed Association:		
(a) Water Resource Development Program		3,000
SOURCE OF FUNDS:		
(1) State General Fund	<u>3,000</u>	
Total Choccolocco Creek Watershed Association	<u>3,000</u>	<u>3,000</u>
12. Choctawhatchee River Watershed Association, Southeast:		
(a) Water Resource Development Program		1,925
SOURCE OF FUNDS:		
(1) State General Fund	<u>1,925</u>	
Total Southeast Choctawhatchee River Watershed Association ..	<u>1,925</u>	<u>1,925</u>
13. Civil Air Patrol:		
(a) Readiness and Recovery Program		30,000
SOURCE OF FUNDS:		
(1) State General Fund	<u>30,000</u>	
Total Civil Air Patrol	<u>30,000</u>	<u>30,000</u>
14. Coosa-Alabama River Improvement Association:		
(a) Water Resource Development Program		10,700
SOURCE OF FUNDS:		
(1) State General Fund	<u>10,700</u>	
Total Coosa-Alabama River Improvement Association	<u>10,700</u>	<u>10,700</u>

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15. Coosa River Action Council,
Inc.:

(a) Water Resource Development Program	8,550
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SOURCE OF FUNDS:

(1) State General Fund	8,550
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Total Coosa River Action Council, Inc.	8,550	8,550
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16. Deep Sea Fishing Rodeo, Ala-
bama:

(a) Tourism and Travel Promotion Program	1,285
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SOURCE OF FUNDS:

(1) State General Fund	1,285
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Total Alabama Deep Sea Fishing Rodeo	1,285	1,285
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17. Dynne Creek Watershed Con-
servancy District:

(a) Water Resource Development Program	1,925
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SOURCE OF FUNDS:

(1) State General Fund	1,925
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Total Dynne Creek Watershed Cons. Dist.	1,925	1,925
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18. Elk River Development
Agency:

(a) Water Resource Development Program	6,400
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SOURCE OF FUNDS:

(1) State General Fund	6,400
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Total Elk River Development Agency	6,400	6,400
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19. Elyton Recovery Center:

(a) Non-Institutional Treatment & Care Program	155,000
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SOURCE OF FUNDS:

(1) State General Fund—Capital Improvement	155,000
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Total Elyton Recovery Center ...	155,000	155,000
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20. Energy Board, Southern
States:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program		21,171
SOURCE OF FUNDS:		
(1) State General Fund	21,171	
Total Southern States Energy Board	21,171	21,171
21. Federation of Southern Cooperatives:		
(a) Tourism and Travel Promotion Program		8,550
(For Miss Black Alabama Pageant)		
SOURCE OF FUNDS:		
(1) State General Fund	8,550	
Total Federation of Southern Cooperatives	8,550	8,550
22. Forest Festival, Alabama:		
(a) Forest Information and Education Program		4,275
SOURCE OF FUNDS:		
(1) State General Fund	4,275	
Total Alabama Forest Festival ..	4,275	4,275
23. Geneva County Tomato Festival:		
(a) Tourism and Travel Promotion Program		4,275
SOURCE OF FUNDS:		
(1) State General Fund	4,275	
Total Geneva County Tomato Festival	4,275	4,275
24. George Lindsey Celebrity Benefit, Inc.:		
(a) Tourism and Travel Promotion Program		8,550
SOURCE OF FUNDS:		
(1) State General Fund	8,550	
Total George Lindsey Celebrity Benefit, Inc.	8,550	8,550
25. Gulf Shores Tourist Association:		
(a) Tourism and Travel Promotion Program		11,543

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SOURCE OF FUNDS:

(1) State General Fund	11,543	
Total Gulf Shores Tourist Association	11,543	11,543

26. Guntersville Boat Races:

(a) Tourism and Travel Promotion Program		7,310
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SOURCE OF FUNDS:

(1) State General Fund	7,310	
Total Guntersville Boat Races ...	7,310	7,310

27. Hank Williams Memorial Association:

(a) Historical Resources Management Program		4,275
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SOURCE OF FUNDS:

(1) State General Fund	4,275	
Total Hank Williams Memorial Association	4,275	4,275

28. Helen Keller Property Board:

(a) Historical Resources Management Program		4,275
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SOURCE OF FUNDS:

(1) State General Fund	4,275	
Total Helen Keller Property Board	4,275	4,275

29. Interstate Mining Commission:

(a) Planning Program		8,901
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SOURCE OF FUNDS:

(1) State General Fund	8,901	
Total Interstate Mining Commission	8,901	8,901

30. Junior Miss Pageant, Inc., America's:

(a) Tourism and Travel Promotion Program		18,000
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SOURCE OF FUNDS:

(1) State General Fund	18,000	
Total America's Junior Miss Pageant, Inc.	18,000	18,000

31. Ketchepedrakee Creek
Watershed Conservancy Dis-
trict:(a) Water Resource Development
Program 1,925

SOURCE OF FUNDS:

(1) State General Fund 1,925Total Ketchepedrakee Creek
Watershed Conservancy District 1,925 1,92532. Lake Eufaula Summer Spec-
tacular:(a) Tourism and Travel Promotion
Program 7,700

SOURCE OF FUNDS:

(1) State General Fund 7,700Total Lake Eufaula Summer Spec-
tacular 7,700 7,700

33. Mobile Carnival Association:

(a) Tourism and Travel Promotion
Program 3,848

SOURCE OF FUNDS:

(1) State General Fund 3,848Total Mobile Carnival Association 3,848 3,84834. Mountain Lakes Tourist Asso-
ciation, Alabama:(a) Tourism and Travel Promotion
Program 19,665

SOURCE OF FUNDS:

(1) State General Fund 19,665Total Alabama Mountain Lakes
Tourist Association 19,665 19,66535. Pea River Historical and
Genealogical Society:(a) Historical Resources Manage-
ment Program 4,275

SOURCE OF FUNDS:

(1) State General Fund 4,275Total Pea River Historical and
Genealogical Society 4,275 4,27536. Pea River Watershed Conser-
vancy District:

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(a) Water Resource Development
Program 1,925

SOURCE OF FUNDS:

(1) State General Fund 1,925

Total Pea River Watershed Con-
servancy District 1,925

37. Peanut Festival Association,
Inc., National:

(a) Tourism and Travel Promotion
Program 10,260

SOURCE OF FUNDS:

(1) State General Fund 10,260

Total National Peanut Festival As-
sociation, Inc. 10,260

38. Pike County Pioneer Museum
Association:

(a) Historical Resources Manage-
ment Program 4,275

SOURCE OF FUNDS:

(1) State General Fund 4,275

Total Pike County Pioneer
Museum Association 4,275

39. Pimento Festival:

(a) Tourism and Travel Promotion
Program 855

SOURCE OF FUNDS:

(1) State General Fund 855

Total Pimento Festival 855

40. Riverboat Commission, Inc.,
Montgomery:

(a) Tourism and Travel Promotion
Program 19,250

SOURCE OF FUNDS:

(1) State General Fund 19,250

Total Montgomery Riverboat
Commission, Inc. 19,250

41. Shakespeare Festival, Ala-
bama:

(a) Fine Arts Program 6,410

SOURCE OF FUNDS:

(1) State General Fund 6,410

Total Alabama Shakespeare Festival	<u>6,410</u>	<u>6,410</u>
42. Southern Championship Charity Horseshow:		
(a) Tourism and Travel Promotion Program		4,275
SOURCE OF FUNDS:		
(1) State General Fund	<u>4,275</u>	
Total Southern Championship Charity Horseshow	<u>4,275</u>	<u>4,275</u>
43. Spirit of America Festival, Inc.:		
(a) Tourism and Travel Promotion Program		3,850
SOURCE OF FUNDS:		
(1) State General Fund	<u>3,850</u>	
Total Spirit of America Festival, Inc.	<u>3,850</u>	<u>3,850</u>
44. Sports Hall of Fame:		
(a) Historical Resources Management Program		28,500
SOURCE OF FUNDS:		
(1) State General Fund	<u>28,500</u>	
Total Sports Hall of Fame	<u>28,500</u>	<u>28,500</u>
45. Steer Show Association, Alabama State:		
(a) Agricultural Development Services Program		7,695
SOURCE OF FUNDS:		
(1) State General Fund	<u>7,695</u>	
Total Alabama State Steer Show Association	<u>7,695</u>	<u>7,695</u>
46. Tallacoosa Highland Lakes Association:		
(a) Tourism and Travel Promotion Program		7,700
SOURCE OF FUNDS:		
(1) State General Fund	<u>7,700</u>	
Total Tallacoosa Highland Lakes Association	<u>7,700</u>	<u>7,700</u>

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47. Tallasseehatchie Creek
Watershed Conservancy Dis-
trict:

(a) Water Resource Development
Program 1,700

SOURCE OF FUNDS:

(1) State General Fund 1,700

Total Tallasseehatchie Creek
Watershed Conservancy District 1,700 1,700

48. Tennessee River Valley Asso-
ciation:

(a) Water Resource Development
Program 11,970

SOURCE OF FUNDS:

(1) State General Fund 11,970

Total Tennessee River Valley As-
sociation 11,970 11,970

49. Tennessee Valley Publicity
and Improvement Association:

(a) Tourism and Travel Promotion
Program 34,200

SOURCE OF FUNDS:

(1) State General Fund 34,200

Total Tennessee Valley Publicity
and Improvement Association .. 34,200 34,200

50. Terrapin Creek Watershed
Conservancy District:

(a) Water Resource Development
Program 1,925

SOURCE OF FUNDS:

(1) State General Fund 1,925

Total Terrapin Creek Watershed
Conservancy District 1,925 1,925

51. Travel Council, Alabama:

(a) Tourism and Travel Promotion
Program 34,200

SOURCE OF FUNDS:

(1) State General Fund 34,200

Total Alabama Travel Council .. 34,200 34,200

52. Tri-Rivers Waterway Devel-
opment Association:

(a) Water Resource Development Program	23,085
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SOURCE OF FUNDS:

(1) State General Fund	<u>23,085</u>	
Total Tri-Rivers Waterway Devel- opment Association	<u>23,085</u>	<u>23,085</u>

53. Vestavia Hills Dogwood Festi-
val and Trail:

(a) Tourism and Travel Promotion Program	855
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SOURCE OF FUNDS:

(1) State General Fund	<u>855</u>	
Total Vestavia Hills Dogwood Fes- tival and Trail	<u>855</u>	<u>855</u>

54. Veterans Day Committee, Na-
tional:

(a) Historical Resources Manage- ment Program	5,990
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SOURCE OF FUNDS:

(1) State General Fund	<u>5,990</u>	
Total National Veterans Day Committee	<u>5,990</u>	<u>5,990</u>

55. Veterans Day in Alabama:

(a) Historical Resources Manage- ment Program	1,710
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,710</u>	
Total Veterans Day in Alabama .	<u>1,710</u>	<u>1,710</u>

56. Women's Hall of Fame, Ala-
bama:

(a) Historical Resources Manage- ment Program	5,815
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SOURCE OF FUNDS:

(1) State General Fund	<u>5,815</u>	
Total Alabama Women's Hall of Fame	<u>5,815</u>	<u>5,815</u>

57. Y. M. C. A. Youth Legislature:

(a) Special Services Program	10,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>10,000</u>
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Total Y.M.C.A. Youth Legislature	10,000	10,000
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58. Mary E. Dorse Recreational & Educational Center

(a) Financial Assistance Program		5,000
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SOURCE OF FUNDS:

(1) General Fund	5,000	
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Total Mary E. Dorse Recreational and Educational Center	5,000	5,000
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F. DEBT SERVICE FUNDED FROM THE GENERAL FUND:

1. General Obligation Capital Improvement Bonds, Series A and B, Estimated		1,141,188
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SOURCE OF FUNDS:

(1) State General Fund, Series A and B, Estimated	1,141,188	
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Total General Obligation Capital Improvement Bonds, Series A and B, Estimated	1,141,188	1,141,188
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2. General Obligation Coosa Waterway Bonds, Series A, Estimated		650,848
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SOURCE OF FUNDS:

(1) State General Fund	650,848	
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Total General Obligation Coosa Waterway Bonds, Series A, Estimated	650,848	650,848
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3. General Obligation Docks Facilities Bonds, Series A and B, Estimated		2,899,600
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SOURCE OF FUNDS:

(1) State General Fund	2,899,600	
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Total General Obligation Docks Facilities Bonds, Series A and B, Estimated	2,899,600	2,899,600
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4. General Obligation Inland Waterways Facilities Bonds, Series 1970 B, Estimated		613,200
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SOURCE OF FUNDS:

(1) State General Fund	613,200	
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Total General Obligation Inland Waterways Facilities Bonds, Series 1970 B, Estimated	613,200	613,200
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5. Inland Waterway Improvement Bonds, Series A through D, Estimated	437,543
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SOURCE OF FUNDS:

(1) State General Fund	437,543
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Total Inland Waterway Improvement Bonds, Series A through D, Estimated	437,543	437,543
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6. Tennessee-Tombigbee Waterway Bonds, Series A and B, Estimated	880,433
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SOURCE OF FUNDS:

(1) State General Fund, Estimated pursuant to Constitutional Amendment No. CCLXX as provided in Act No. 248, 1967 Regular Session	880,433
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Total Tennessee-Tombigbee Waterway Bonds Series A and B, Estimated	880,433	880,433
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Section 3. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Section 4 and 5 of this bill, as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 40, Chapter 8, Sections 80-96, Code of Alabama 1975 and the Budget Management Act of 1976 (Act No. 494).

Section 4. That any surplus remaining in any appropriation herein made from the General Fund to any office, department, bureau, board, commission, or agency may be transferred, on order of the Governor, to any other appropriation herein made from the General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission, or agency.

Section 5. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 6. a) From the amounts received by the State of Alabama during the period October 1, 1980, through September 30, 1981, as grants or entitlements under the State and Local Fiscal Assistance Act of 1972, Public Law 92-512, 92nd Congress and any interest earned by the State thereon there is hereby appropriated the following: To the General Fund for salary increases for state employees 9,000,000

b) From the amounts received by the State of Alabama during the period October 1, 1980, through September 30, 1981, as grants or entitlements under the State and Local Fiscal Assistance Act of 1972, Public Law 92-512, 92nd Congress, to the extent such amounts exceed the amounts appropriated in subsection (a), and any interest earned by the State thereon, there is hereby appropriated the following:

A. To Board of Corrections for operations and maintenance of the penal system 7,000,000

B. To General Fund, State Agencies or Salary Increase 3,500,000

C. To Department of Mental Health to be used for operations and maintenance 16,400,000

Total 26,900,000

The amounts appropriated in this subsection are to be in lieu of any revenue sharing funds appropriated in Section 2 to the above mentioned departments. The revenue sharing funds in Section 2 should not be construed to be an additional appropriation. In the event that the amount of funds actually received is more than the anticipated grants or entitlements, said funds together with any interest, accruals, or reversions accruing from the Revenue Sharing Investments are hereby appropriated for the General Government to be spent at the discretion of the Governor. In the event that the amount of funds actually received is less than the anticipated grants or entitlements, then each appropriation in this subsection shall be reduced on a pro rata basis.

Section 7. No funds appropriated herein may be expended for rent, leases, contracts, or purchases of data processing equipment or services or for rent of any office space on any contract, lease, purchase, or agreement made prior to September 30, 1980 for such items, unless approved or reapproved on or after October 1, 1980 by the Director of Finance.

Section 8. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 9. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 10. That each Department of State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 11. That this Act shall become effective October 1, 1980.

Yeas 87; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—87

Nays: Boles, Horn, Langford and Wyatt.

—4

SPECIAL ORDER RESUMED

And the bill:

H. 113. To provide that city and county school boards may provide reimbursement to cover certain personal property of teachers that may be stolen, damaged or destroyed while teachers are engaged in activities within the scope of their employment.

Was read a third time at length and passed.

Yeas 38; Nays 25.

Yeas:

Reps.: Albright, Amari, Bedsole, Bennett, Cheatwood, Cobb, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grouby, Hall, Hammett, Harper (T), Harrison, Hilliard, Holley, Horn, Johnson (Roy), Laird, Lewis, McMillan, Nevett, Payne, Ray, Reed, Sandusky, Seibels, Smith (C), Smith (M), Starkey, Turner and Zoghby.

—38

Nays:

Reps.: Adams (C), Barton, Blake, Campbell, Clark (G), Coburn, Cosby, Grimsley, Harvey, Holmes, Langford, Manley, Minus, Mitchell, Moore, Pegues, Penry, Riddick, Sasser, Stewart, Trammell, Turnham, Venable, Williams and Wyatt.

—25

MOTION TO SUSPEND RULE LOST

The motion offered by Rep. Bennett to suspend Rule 4(4) to permit the bill, H. 113, being other than a local or general bill of local application, was lost, lacking a four-fifths vote.

CO-SPONSOR ADDED

Rep. Drinkard was added as co-sponsor to the bill, H. 113.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (R. G.):

H. J. R. 293. APPROPRIATING FUNDS TO THE CONTINUING SELECT JOINT COMMITTEE OT STUDY THE RISING COST TO THE STATE OF THE MEDICAID PROGRAMS ESTABLISHED BY ACT NO. 79-816 OF THE 1979 REGULAR SESSION OF THE LEGISLATURE.

WHEREAS, funding will be needed to continue the duties and functions of the continuing select joint committee to study the rising cost to the state of the medicaid programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby appropriated out of funds appropriated to the use of the legislature, \$7,000.00 to the continuing select joint committee to study the rising cost to the state of the medicaid programs established by Act No. 79-816 of the 1979 Regular Session of the Legislature.

On motion of Rep. Johnson (R. G.), the rules were suspended and the resolution, H. J. R. 293, was adopted.

Yeas 56; Nays 6.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Blake, Carothers, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Hilliard, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Manley, Minus, Mitchell, Moore, Nevett, Olive, Pegues, Ray, Sandusky, Seibels, Shoemaker, Starkey, Stewart, Stout, Trammell, Turner, Ward, Warren, Williams and Willis.

—56

Nays:

Reps.: Hammett, McKee, Turnham, Venable, Waggoner and Wyatt.

—6

SPECIAL ORDER RESUMED

And the bill:

H. 222. (With Amendment): To provide that the retirement income of military personnel shall be exempt from state, county and municipal income taxes the same as the exemptions provided for by sub-sections (a) (1) (2) (3) of Section 40-18-19 Code of Alabama 1975.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 222 by deleting Section 3 and substituting therefor as Section 3 the following:

Section 3. This act shall become effective October 1, 1981, and shall apply to all such income and benefits received in 1982 and each year thereafter.

And the amendment was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Bowling, Campbell, Carothers, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gilmer, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, McKee, McMillan, Minus, Mitchell, Moore, Nevett, Olive, Pegues, Penry, Ray, Riddick, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—61

AMENDMENT OFFERED

Rep. Greer offered the following amendment to the bill, H. 222 as amended:

On page 1, line 14 delete the word "the" and insert in lieu thereof: certain

On page 1, line 26 after the period insert the following:

Provided, however, the exemption stated above shall not apply to persons employed by the state or whose salary is paid in whole or in part with state funds.

MOTION TO TABLE LOST

The motion offered by Rep. Campbell to table the amendment offered by Rep. Greer to the bill, H. 222, was lost.

Yeas 32; Nays 50.

Yeas:

Reps.: Barton, Bedsole, Bennett, Campbell, Cheatwood, Clark (G), Crow, Daniels, Dial, Dixon, Ford, Grouby, Hammett, Hines, Holley, Johnson (Roy), Langford, Manley, Minus, Nevett, Penry, Ray, Riddick, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Starkey, Venable, Wyatt and Zoghby.

—32

Nays:

Mr. Speaker, Adams (H), Albright, Amari, Blake, Bowling, Cabaniss, Carothers, Carter, Cates, Clark (W), Cobb, Coburn, Cosby, Gafford, Gilmer, Greer, Grimsley, Hall, Harper (O), Harrison, Harvey, Hilliard, Holmes, Horn, Jackson, Johnson (R. G.), Kennedy, Laird, Letson, Lewis, McMillan, Mitchell, Moore, Naramore, Olive, Payne, Pegues, Rains, Shavers, Shoemaker, Smith (M), Stewart, Trammell, Turner, Waggoner, Ward, Whatley, Williams and Willis.

—50

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 744. Relating to Winston County; to provide that the minimum salary of the chief clerks for the probate judge, sheriff, tax assessor and tax collector be set at \$750.00 per month to be paid in the same manner that such clerks are now being paid; to allow the county commission to authorize cost of living raises for such clerks; to give this act retroactive effect to October 1, 1979, and to make the bill effective upon the repeal of Amendment No. 255 of the State Constitution.

by a majority of the whole number elected to the Senate, said vote being Yeas 25, Nays 0.

And said Bill, H. B. 744, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being Yeas 25, Nays 0.

And said Bill, H. B. 744, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 904. To amend Section 32-6-4, Code of Alabama 1975, as amended to increase fee from ten to fifteen dollars for a four-year driver license or identification card.

McDOWELL LEE,
Secretary.

H. 222 RESUMED

AMENDMENT ADOPTED

The question was then on the adoption of the amendment No. 1 offered by Rep. Greer to the bill, H. 222 as amended, and the amendment was adopted.

Yeas 53; Nays 26.

Yeas:

Mr. Speaker, Albright, Amari, Bedsole, Bennett, Blake, Boles, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Edwards, Gafford, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Hilliard, Holmes, Horn, Johnson (R. G.), Kennedy, Laird, Lewis, McKee, Mitchell, Moore, Naramore, Nevett, Olive, Payne, Pegues, Penry, Rains, Ray, Seibels, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Willis and Zoghby.

Nays:

Reps.: Barton, Campbell, Carothers, Crow, Dial, Dixon, Drinkard, Ford, Gilmer, Hammett, Hines, Holley, Johnson (Roy), Langford, McMillan, Manley, Minus, Riddick, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Turnham, Williams and Wyatt.

—26

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Reps. Owens, Dial and Pegues, on the Committee on Conference to resolve the differences between the two Houses on the Senate amendment to the bill, H. 533.

H. 222 RESUMED

AMENDMENT OFFERED

Rep. Greer offered the following amendment No. 2 to the bill, H. 222 as amended:

On page 1, on line 14 delete the word "the" and insert in lieu thereof: certain

On page 1, on line 26, after the period insert the following:

Provided, however, persons receiving more than \$10,000 income from sources other than military retirement income shall not be eligible to receive said exemption.

MOTION TO TABLE LOST

The motion offered by Rep. Holley to table the amendment No. 2 offered by Rep. Greer to the bill, H. 222 as amended, was lost.

Yeas 32; Nays 46.

Yeas:

Reps.: Albright, Campbell, Carothers, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Grouby, Hammett, Hines, Johnson (Roy), Kennedy, McMillan, Manley, Minus, Owens, Pegues, Penry, Reed, Sandusky, Sasser, Seibels, Shavers, Smith (J), Starkey, Warren, Williams, Willis and Wyatt.

—32

Nays:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Blake, Bowling, Cabaniss, Carter, Cates, Clark (W), Cobb, Coburn, Cosby, Gafford, Gilmer, Greer, Grimsley, Hall, Harper (O), Harper (T), Holmes, Horn, Howard, Johnson (R. G.), Laird, Letson, Lewis, McKee, Mitchell, Moore, Naramore, Nevett, Olive, Payne, Rains, Ray, Shoemaker, Smith (C), Stewart, Trammell, Turner, Venable, Waggoner, Ward and Whatley.

—46

AMENDMENT ADOPTED

The question was then on the adoption of the amendment No. 2 offered by Rep. Greer to the bill, H. 222 as amended, and the amendment was adopted.

Yeas 46; Nays 43.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bennett, Blake, Bowling, Cabaniss, Cates, Cheatwood, Clark (W), Coburn, Cosby, Gafford, Greer, Grimsley, Hall, Harper (O), Harper (T), Harrison, Hilliard, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Letson, Lewis, Moore, Naramore, Nevett, Olive, Owens, Payne, Rains, Ray, Shoemaker, Smith (C), Stewart, Stout, Trammell, Tucker, Waggoner, Ward, Whatley and Willis.

—46

Nays:

Reps.: Barton, Bedsole, Campbell, Carothers, Carter, Cobb, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Grouby, Hammett, Harvey, Hines, Holley, Johnson (Roy), Laird, Langford, McKee, McMillan, Minus, Mitchell, Pegues, Penry, Reed, Riddick, Sandusky, Sasser, Seibels, Shavers, Smith (J), Smith (M), Starkey, Turner, Venable, Warren, Williams, Wyatt and Zoghby.

—43

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 904. To amend Section 32-6-4, Code of Alabama 1975, as amended to increase fee from ten to fifteen dollars for a four-year driver license or identification card.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 744. Relating to Winston County; to provide that the minimum salary of the chief clerks for the probate judge, sheriff, tax assessor and tax collector be set at \$750.00 per month to be paid in the same manner that such

clerks are now being paid; to allow the county commission to authorize cost of living raises for such clerks; to give this act retroactive effect to October 1, 1979, and to make the bill effective upon the repeal of Amendment No. 255 of the State Constitution.

And finds same correctly enrolled with Executive Amendment.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 222 RESUMED

And the bill, H. 222 as thus amended, was read a third time at length and passed.

Yeas 69; Nays 19.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Hall, Hammett, Harper (T), Harvey, Hines, Holley, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Owens, Penry, Reed, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—69

Nays:

Reps.: Bennett, Blake, Cates, Grimsley, Harrison, Hilliard, Holmes, Horn, Howard, Lewis, Naramore, Olive, Payne, Pegues, Rains, Ray, Shavers, Trammell and Tucker.

—19

MOTION TO SUSPEND RULE LOST

The motion offered by Rep. Campbell to suspend Rule 4(4) to permit the bill, H. 222 as amended, being other than a local or general bill of local application, to be sent to the Senate, was lost, lacking a four-fifths vote.

Yeas 62; Nays 24.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Clark (G), Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Greer, Hall, Hammett,

Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Owens, Penry, Reed, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Turner, Turnham, Venable, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—62

Nays:

Reps.: Amari, Bennett, Blake, Cates, Clark (W), Coburn, Gafford, Grimsley, Harrison, Hilliard, Holmes, Horn, Howard, Lewis, Naramore, Olive, Payne, Pegues, Rains, Ray, Shavers, Stewart, Trammell and Tucker.

—24

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 222:

Reps.: Adams (C), Barton, Bedsole, Bowling, Carothers, Cheatwood, Clark (G), Clark (W), Cobb, Crow, Daniels, Dial, Dixon, Edwards, Ford, Gilmer, Grouby, Hammett, Harper (T), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Minus, Mitchell, Penry, Ray, Riddick, Sandusky, Sasser, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Turner, Williams, Willis, Wyatt and Zoghby.

MOTION TO SUSPEND RULE LOST

The motion offered by Rep. Holley to suspend Rule 4(4) to permit the bill, H. 271, being other than a local or general bill of local application to be sent to the Senate, was lost, lacking a four-fifths vote.

Yeas 50; Nays 34.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bennett, Blake, Boles, Buskey, Cheatwood, Clark (W), Cobb, Coburn, Crow, Drinkard, Edwards, Ford, Greer, Hall, Harrison, Harvey, Hilliard, Holley, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Letson, McMillan, Manley, Mitchell, Moore, Naramore, Nevett, Penry, Ray, Reed, Riddick, Shoemaker, Starkey, Stewart, Stout, Trammell, Tucker, Turner, Warren, Williams, Wyatt and Zoghby.

—50

Nays:

Reps.: Adams (C), Bedsole, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cosby, Dixon, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (T), Hines, Laird, Lewis, McKee, Olive, Payne, Pegues, Rains, Sasser, Seibels, Smith (C), Smith (M), Turnham, Venable, Waggoner, Ward, Whatley and Willis.

—34

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Jackson to suspend the rules in order to take up out of order the bill, H. 1092, was lost, lacking a four-fifths vote.

Yeas 14; Nays 4.

Yeas:

Reps.: Amari, Bennett, Cabaniss, Greer, Harrison, Hilliard, Horn, Howard, Jackson, Lewis, Nevett, Payne, Seibels and Waggoner.

—14

Nays: Reps.: Cheatwood, Olive, Rains and Stewart.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 48. To amend Section 41-16-50 of the Code of Alabama 1975, relating to awarding certain public contracts involving \$2,000 or more, so as to eliminate certain circumstances under which the contract may be awarded to other than the lowest bidder.

Was read a third time at length and passed.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Johnson (R. G.), Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Nevett, Penry, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—60

MOTION TO ADJOURN LOST

The motion offered by Rep. Willis that the House adjourn was lost.

Yeas 27; Nays 52.

Yeas:

Reps.: Adams (C), Albright, Bedsole, Boles, Buskey, Cheatwood, Clark (G), Clark (W), Cobb, Daniels, Hall, Hammett, Harvey, Hilliard, Hines, Holmes, Howard, Kennedy, Langford, Manley, Nevett, Reed, Sandusky, Trammell, Tucker, Whatley and Williams.

—27

Nays:

Mr. Speaker, Adams (H), Amari, Barton, Bennett, Blake, Bowling, Cabaniss, Carothers, Carter, Cates, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Grimsley, Grouby, Harper (T), Holley, Horn, Jackson, Johnson (R. G.),

Laird, Letson, Lewis, McKee, McMillan, Minus, Naramore, Patton, Pegues, Penry, Rains, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Turner, Turnham, Venable, Waggoner, Ward, Warren and Wyatt.

—52

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 69 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,
MICHAEL D. WATERS,
Legal Advisor.

Done this 6th day of May, 1980.

To the House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 69 without my signature and approval and with the following suggested Executive Amendment.

On page 3, Section 2, delete lines 32 and 33 in their entirety and substitute in lieu thereof the following:

"on October 1, 1980."

The adoption of the above and foregoing suggested Executive Amendment will remove my objection to this Bill.

Respectfully,
FOB JAMES,
Governor.

GOVERNOR'S MESSAGE

Rep. Payne offered the motion that the House concur in and adopt the amendment proposed by His Excellency, the Governor, to the bill, H. 69, said Governor's amendment being set out in the above and foregoing Message from the Governor.

SUBSTITUTE MOTION TABLED

On motion of Rep. Payne, the substitute motion offered by Rep. Hilliard that the House non-concur in the Governor's amendment to the bill, H. 69, was tabled.

Yeas 20; Nays 7.

Yeas:

Reps.: Albright, Amari, Blake, Boles, Cabaniss, Cheatwood, Cosby, Gafford, Gilmer, Hall, Harper (O), Letson, Lewis, Moore, Olive, Patton, Payne, Smith (C), Trammell and Waggoner.

—20

Nays:

Reps.: Bennett, Harrison, Hilliard, Horn, Nevett, Seibels and Tucker.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT ADOPTED

The question was then on the adoption of the amendment proposed by His Excellency, the Governor, to the bill, H. 69, and on motion of Rep. Payne, the amendment was adopted.

Yeas 14; Nays 6.

Yeas:

Reps.: Amari, Blake, Boles, Cabaniss, Cheatwood, Gafford, Harper (O), Lewis, Moore, Olive, Payne, Smith (C), Trammell and Waggoner.

—14

Nays: Reps.: Bennett, Harrison, Hilliard, Horn, Nevett and Seibels. —6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 69. To further amend Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

As thus amended, was again read at length and passed.

Yeas 14; Nays 7.

Yeas:

Reps.: Amari, Blake, Boles, Cabaniss, Cheatwood, Gafford, Lewis, Moore, Olive, Payne, Rains, Smith (C), Trammell and Waggoner.

—14

Nays:

Reps. Bennett, Harrison, Hilliard, Horn, Nevett, Seibels and Tucker.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 533. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Pearson, St. John and Teague.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Rains offered the motion to reconsider the vote by which the motion to suspend the rules in order to take up the bill, H. 1092, out of order, was lost, and the motion to reconsider was adopted.

Yeas 14; Nays 3.

Yeas:

Reps.: Amari, Bennett, Buskey, Cabaniss, Gafford, Harrison, Hilliard, Horn, Howard, Jackson, Lewis, Nevett, Seibels and Waggoner.

—14

Nays: Reps.: Boles, Cheatwood and Olive.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1092. To further amend Section 12 of an Act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of Alabama of 1945, pages 376-400) as heretofore

amended relating to creating and establishing in counties having a population of 400,000 inhabitants or more according to the last or any future federal census, a county-wide civil service system.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 10; Nays 2.

Yeas:

Reps.: Bennett, Cabaniss, Hilliard, Horn, Howard, Jackson, Nevett, Seibels, Trammell and Waggoner.

—10

Nays: Reps.: Cheatwood and Olive.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Bennett, the rules were suspended in order to take up out of order the bill, H. 1085.

Yeas 9; Nays 0.

Yeas:

Reps.: Bennett, Cabaniss, Harrison, Horn, Howard, Jackson, Nevett, Seibels and Waggoner.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CO-SPONSOR ADDED

Rep. Jackson was added as co-sponsor to the bill, H. 1085.

And the bill:

H. 1085. Relating to Class I municipalities to limit the amount of claims made under municipally insured employee health care expense reimbursement programs in order to protect public monies.

Was read a third time at length and ordered sent forthwith to the Senate without engrossment.

Yeas 8; Nays 0.

Yeas:

Reps.: Amari, Bennett, Cabaniss, Horn, Jackson, Lewis, Starkey and Waggoner.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Waggoner to suspend the rules in order to take up out of order the bill, H. 878, was lost, lacking a four-fifths vote.

Yeas 10; Nays 4.

Yeas:

Reps.: Bennett, Cabaniss, Gafford, Hilliard, Horn, Jackson, Moore, Seibels, Trammell and Waggoner.

—10

Nays: Reps.: Cheatwood, Lewis, Olive and Payne.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 682. (With Amendment): To amend Section 35-11-210 of the Code of Alabama 1975, which declares and sets forth the mechanics and materialmen's lien, so as to include land surveying and engineering services under the provisions of this lien statute and to remove the limitation on the extent in area to which it applies.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. 682 as follows:

On page 1 in lines 10 and 21, delete the word "and" and insert in lieu thereof a comma after the word "surveying", on lines 10 and 20, respectively.

On page 1 in lines 11, 21 and 33 after the word "services" add the words:

"and architectural services"

And the amendment was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Bowling, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Crow, Edwards, Gafford, Gilmer, Hammett, Harper (O), Harper (T), Hines, Holmes, Horn, Jackson,

Johnson (R. G.), Kelley, Laird, Lewis, McKee, Manley, Moore, Nevett, Rains, Ray, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Willis, Wyatt and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Clark (G) offered the following amendment to the bill, H. 682 as amended:

Amend H. 682 by changing the period after the word "balance" on page 2, line 17 to a semicolon and adding after such semicolon the following:

"provided, however, that any lien for labor or other work performed in connection with land surveying or preparing any plot or map of land or for engineering services performed in connection with any building, or improvement on land, or any legal expenses incurred attempting to collect payment therefor shall be valid only if filed for record in the probate court of the county where such real property is located."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holley, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Lewis, Manley, Mitchell, Olive, Owens, Payne, Pegues, Rains, Ray, Reed, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—62

And the bill:

H. 682. To amend Section 35-11-210 of the Code of Alabama 1975, which declares and sets forth the mechanics and materialmen's lien, so as to include land surveying, engineering services and architectural services under the provisions of this lien statute and to remove the limitation on the extent in area to which it applies.

As thus amended, was read a third time at length and passed.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer,

Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holley, Holmes, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Lewis, McKee, Manley, Mitchell, Moore, Nevett, Olive, Payne, Pegues, Rains, Ray, Reed, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—72

RULE SUSPENDED

On motion of Rep. Carothers, Rule 4(4) was suspended to permit the bill, H. 682 as amended, being other than a local or a general bill of local application to be sent to the Senate.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Gafford to suspend the rules in order to take up out of order the bill, H. 676, was lost, lacking a four-fifths vote.

Yeas 11; Nays 6.

Yeas:

Reps.: Bennett, Gafford, Hilliard, Horn, Howard, Jackson, Moore, Sasser, Seibels, Trammell and Tucker.

—11

Nays: Reps.: Boles, Cabaniss, Cheatwood, Lewis, Olive and Payne. —6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1013. To repeal Chapter 31 of Title 34 of the Code of Alabama 1975 (Sections 34-31-1 through 34-31-17, Code of Alabama 1975) which chapter establishes the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors and provides for the regulation of the practice of design, construction or installation of heating and air conditioning equipment and roofing and sheet metal.

Was taken up.

MOTION TO POSTPONE TABLED

On motion of Rep. Dial, the motion offered by Rep. Holley to postpone consideration of the bill, H. 1013, to the thirtieth legislative day, was tabled.

Yeas 50; Nays 6.

Yeas:

Mr. Speaker, Adams (H), Barton, Bennett, Blake, Cabaniss, Campbell, Carter, Cheatwood, Clark (G), Cosby, Dial, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hammett, Harper (T), Harvey, Holmes, Horn,

Johnson (R. G.), Kelley, McMillan, Manley, Minus, Mitchell, Olive, Owens, Pegues, Penry, Rains, Sasser, Shavers, Shoemaker, Smith (J), Starkey, Stout, Turner, Turnham, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—50

Nays:

Reps.: Crow, Drinkard, Holley, Moore, Trammell and Ward.

—6

SUBSTITUTE OFFERED

Rep. Turner offered the following substitute to the bill, H. 1013:

A BILL TO BE ENTITLED AN ACT

To repeal Chapter 31 of Title 34 of the Code of Alabama 1975 (Sections 34-31-1 through 34-31-17, Code of Alabama 1975) which chapter establishes the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors and provides for the regulation of the practice of design, construction or installation of heating and air conditioning equipment and roofing and sheet metal and places them under the Alabama Licensing Board of General Contractors.

Be It Enacted by the Legislature of Alabama:

Section 1. Chapter 31 of Title 34 of the Code of Alabama 1975 (Sections 34-31-1 through 34-31-17, Code of Alabama 1975), is hereby expressly repealed. Heating, air conditioning, roofing and sheet metal contractors shall be regulated by the Alabama Licensing Board of General Contractors.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Sasser, the substitute offered by Rep. Turner to the bill, H. 1013, was tabled.

Yeas 54; Nays 14.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Cabaniss, Campbell, Carter, Clark (G), Cosby, Daniels, Dial, Dixon, Edwards, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Harvey, Hines, Holmes, Horn, Howard, Johnson (R. G.), Langford, McKee, McMillan, Manley, Mitchell, Moore, Olive, Owens, Pegues, Penry, Rains, Reed, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Stout, Trammell, Tucker, Warren, Willis, Wyatt and Zoghby.

—54

Nays:

Reps.: Buskey, Cheatwood, Clark (W), Crow, Drinkard, Hammett, Jackson, Kelley, Kennedy, Naramore, Nevett, Stewart, Turner and Ward.

—14

And the bill, H. 1013, was read a third time at length and passed.

Yeas 62; Nays 8.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Blake, Buskey, Cabaniss, Carter, Cheatwood, Clark (G), Cosby, Daniels, Dial, Edwards, Gafford, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holmes, Horn, Johnson (R. G.), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Mitchell, Moore, Nevett, Olive, Owens, Payne, Pegues, Penry, Rains, Reed, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Waggoner, Warren, Willis, Wyatt and Zoghby.

—62

Nays:

Reps.: Bedsole, Coburn, Drinkard, Ford, Holley, Jackson, Kelley and Ward.

—8

RULE SUSPENDED

On motion of Rep. Dial, Rule 4(4) was suspended to permit the bill, H. 1013, being other than a local or general bill of local application to be sent to the Senate.

MOTION TO SUSPEND RULE LOST

The motion offered by Rep. Turner to suspend Rule 4(4) to permit the bill, H. 271, being other than a local or a general bill of local application to be sent to the Senate, was lost, lacking a four-fifths vote.

Yeas 46; Nays 28.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Blake, Buskey, Clark (W), Cobb, Coburn, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Goodwin, Greer, Hall, Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Johnson (Roy), Kelley, Kennedy, Langford, McMillan, Manley, Mitchell, Moore, Naramore, Penry, Rains, Reed, Shoemaker, Starkey, Stewart, Stout, Trammell, Tucker, Turner, Warren and Wyatt.

—46

Nays:

Reps.: Bedsole, Cabaniss, Campbell, Carter, Clark (G), Cosby, Dixon, Gafford, Grimsley, Grouby, Hammett, Hines, Jackson, Lewis, McKee, Olive, Owens, Payne, Pegues, Sasser, Seibels, Shavers, Smith (C), Turnham, Venable, Waggoner, Ward and Willis.

—28

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Bennett to suspend the rules in order to take up out of order the bill, H. 901, was lost, lacking a four-fifths vote.

Yeas 10; Nays 3.

Yeas:

Reps.: Amari, Bennett, Cabaniss, Gafford, Harrison, Horn, Howard, Lewis, Seibels and Waggoner.

—10

Nays: Reps.: Moore, Olive and Trammell.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 318. To establish the Alabama Human Resources Board to utilize all available manpower in the state; to provide for the membership of the board, to authorize the board to assign employable persons who receive public assistance to public works projects; to authorize the Commissioner of Pensions and Security to submit names of said persons; to establish the compensation of said persons; to provide for penalties for failure to do the assigned work; to establish criteria for those exempt from the program and provide for periodic review by the Department of pensions and Security.

Was taken up.

MOTION TO POSTPONE TABLED

On motion of Rep. Bowling, the motion offered by Rep. Reed to postpone consideration of the bill, S. 318, to the thirtieth legislative day, was tabled.

Yeas 52; Nays 14.

Yeas:

Mr. Speaker, Barton, Bedsole, Blake, Bowling, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (T), Hines, Holley, Jackson, Laird, Letson, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Ray, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turnham, Venable, Ward, Willis, Wyatt and Zoghby.

—52

Nays:

Reps.: Bennett, Buskey, Clark (W), Harrison, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Langford, Reed, Sandusky, Tucker and Turner.

—14

SUBSTITUTE OFFERED

Rep. Hilliard offered the following substitute to the bill, S. 318:

A BILL
TO BE ENTITLED
AN ACT

To direct the state department of pensions and security to promulgate rules and regulations to require certain public assistance recipients who are able to work to perform public work or service for the state or county in exchange for the benefits which they receive.

Be It Enacted by the Legislature of Alabama:

Section 1. The state department of pensions and security is hereby directed to promulgate such rules and regulations as are necessary to require any person who is receiving public assistance and who is physically able to work to perform public work or service to the state or county in exchange for the public assistance benefit he receives.

Section 2. Any public assistance recipient who has received assistance for two consecutive months shall enroll for employment under the provisions of this act as provided by rules and regulations of the state department of pensions and securities unless such person is:

(a) A child who is under age 16 or attending school full time.

(b) A person whose presence in the home is required because of illness or incapacity of another member of the household.

(c) A parent or legal guardian of a child under the age of three who is caring for the child if there is no other person of responsible age to care for the child.

(d) A person who is ill, incapacitated or of the age of 60 or over.

Any person who seeks exemption from such employment shall submit to the county director of pensions and security in the county in which he resides, a physician's certificate on a form to be furnished by the state department of pensions and security that such individual is ill or incapacitated or is a person whose presence in the home is required because of the illness or incapacity of another member of the household. Such certification shall be paid for by the individual.

Section 3. The state department of pensions and security is directed to cooperate with state and local governments in establishing work projects for persons required to work pursuant to this act. Such work projects shall serve a useful public purpose and not result in the displacement of employed workers.

Section 4. Persons required to be employed under the provisions of this act shall receive the prevailing rates paid to persons employed in similar occupations, but in no case shall wages be paid which are less than the minimum wage requirements.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Bowling, the substitute offered by Rep. Hilliard to the bill, S. 318, was tabled.

Yeas 52; Nays 27.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cosby, Dial, Dixon, Gafford, Gilmer, Grimsley, Grouby, Harper (T), Hines, Holley, Johnson (R. G.), Laird, Letson, Lewis, Manley, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Williams, Willis and Zoghby.

—52

Nays:

Reps.: Blake, Buskey, Cheatwood, Clark (W), Crow, Daniels, Drinkard, Edwards, Ford, Hammett, Harrison, Harvey, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, McMillan, Rains, Ray, Reed, Riddick, Tucker, Turner and Wyatt.

—27

MOTION TO TEMPORARILY POSTPONE TABLED

On motion of Rep. Pegues, the motion offered by Rep. Buskey to temporarily postpone consideration of the bill, S. 318, was tabled.

Yeas 56; Nays 14.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Blake, Bowling, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hammett, Hines, Holley, Johnson (R. G.), Laird, Letson, Lewis, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Payne, Pegues, Penry, Ray, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Turnham, Waggoner, Ward, Williams, Wyatt and Zoghby.

—56

Nays:

Reps.: Buskey, Clark (W), Harrison, Hilliard, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Langford, Nevett, Rains, Tucker and Turner.

—14

MOTION TO ADJOURN LOST

The motion offered by Rep. Hilliard that the House adjourn was lost.

Yeas 12; Nays 59.

Yeas:

Reps.: Buskey, Clark (W), Harrison, Hilliard, Holmes, Howard, Jackson, Kennedy, Langford, Nevett, Ray and Tucker.

—12

Nays:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Holley, Johnson (Roy), Laird, Letson, Lewis, McKee, McMillan, Manley, Moore, Naramore, Olive, Payne, Pegues, Penry, Sandusky, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Williams, Wyatt and Zoghby.

—59

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 523. To raise revenue; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by the selling price of such liquors, exclusive of taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for disposition and use of the proceeds from said tax.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 293. To further amend Section 2, Act No. 100, Second Special Session 1959, as amended, (Section 40-23-2, Code of Alabama 1975 as amended) in order to impose a sales tax of one and one-half percent (1½%) upon the purchase price of any automotive vehicle, truck trailer, boat, boat motor, boat trailer, semitrailer or house trailer; to require that the tax imposed be paid by the purchaser to the Judge of Probate of the County in which the vehicle is to be licensed; and to require the Judge of Probate to remit the tax collected to the Department of Revenue.

McDOWELL LEE,
Secretary.

S. 318 RESUMED

MOTION TO POSTPONE TABLED

On motion of Rep. Pegues, the motion offered by Rep. Harrison to postpone the bill, S. 318, to the twenty-ninth legislative day, was tabled.

Yeas 55; Nays 11.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Blake, Bowling, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Johnson (Roy), Laird, Letson, Lewis, McKee, McMillan, Manley, Moore, Naramore, Olive, Owens, Payne, Pegues, Ray, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Turnham, Venable, Waggoner, Ward and Zoghby.

—55

Nays:

Reps.: Buskey, Clark (W), Crow, Gilmer, Holmes, Howard, Kennedy, Langford, Nevett, Reed and Tucker.

—11

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 523. To raise revenue; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by the selling price of such liquors, exclusive of taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for disposition and use of the proceeds from said tax.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

S. 318 RESUMED

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Harrison to indefinitely postpone the bill, S. 318, was lost.

Yeas 17; Nays 60.

Yeas:

Reps.: Albright, Bennett, Boles, Buskey, Clark (W), Hall, Hilliard, Holmes, Howard, Johnson (Roy), Kennedy, Langford, Nevett, Rains, Reed, Tucker and Turner.

—17

Nays:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Blake, Bowling, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Laird, Letson, Lewis, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Ray, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Wyatt and Zoghby.

—60

AMENDMENT OFFERED

Rep. Horn offered the following amendment to the bill, S. 318:

Amend Senate Bill 318, Page 2, Line 15 by deleting Section 2 in its entirety and adding a new Section 2 to read as follows:

Section 2. There is hereby established a Human Resources Committee of three, appointed by the Commissioner of Pensions and Security.

Further amend the bill by deleting the word "Board" wherever it appears in the bill and insert in lieu thereof the word "Committee"

AMENDMENT TABLED

On motion of Rep. Pegues, the amendment offered by Rep. Horn to the bill, S. 318, was tabled.

Yeas 56; Nays 12.

Yeas:

Mr. Speaker, Barton, Bedsole, Blake, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Grimsley, Gouby, Hall, Hammett, Harper (T), Harvey, Holley, Laird, Letson, Lewis, McKee, McMillan, Manley, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Ray, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Wyatt and Zoghby.

—56

Nays:

Reps.: Boles, Clark (W), Crow, Holmes, Horn, Howard, Johnson (Roy), Langford, Nevett, Reed, Riddick and Tucker.

—12

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 293. To further amend Section 2, Act No. 100, Second Special Session 1959, as amended, (Section 40-23-2, Code of Alabama 1975 as amended) in order to impose a sales tax of one and one-half percent (1½%) upon the purchase price of any automotive vehicle, truck trailer, boat, boat motor, boat trailer, semitrailer or house trailer; to require that the tax imposed be paid by the purchaser to the Judge of Probate of the County in which the vehicle is to be licensed; and to require the Judge of Probate to remit the tax collected to the Department of Revenue.

And finds same correctly enrolled.

LEIGH PEGUES,
Acting Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

S. 318 RESUMED

AMENDMENT OFFERED

Rep. Kennedy offered the following amendment to the bill, S. 318:

Amend Senate Bill 318, Page 2, Section 2, beginning on line 22 by striking lines 22, 23, 24 in their entirety and within the confines of the state. on line 25 and insert in lieu thereof the following:

shall contact the secondary schools, colleges and universities of the State in order to examine the curriculum, admission requirements and fees for prospective students in order to facilitate the enrollment of persons in school who are presently on public assistance.

Further amend the bill page 2, line 27 after the word "the" by inserting study

AMENDMENT TABLED

On motion of Rep. Pegues, the amendment offered by Rep. Kennedy to the bill, S. 318, was tabled.

Yeas 56; Nays 12.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Blake, Bowling, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Harvey, Holley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Ray, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Turnham, Venable, Waggoner, Ward, Whatley and Williams.

Nays:

Reps.: Buskey, Clark (W), Crow, Hilliard, Holmes, Howard, Johnson (Roy), Langford, Nevett, Reed, Tucker and Zoghby.

—12

And the bill, S. 318, was read a third time at length and passed.

Yeas 59; Nays 18.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bowling, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Greer, Grimsley, Grouby, Hammett, Harper (T), Harvey, Holley, Johnson (Roy), Laird, Letson, Lewis, McKee, McMillan, Manley, Mitchell, Naramore, Olive, Owens, Payne, Pegues, Penry, Ray, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Wyatt and Zoghby.

—59

Nays:

Reps.: Bennett, Blake, Boles, Buskey, Campbell, Clark (W), Crow, Gregg, Harrison, Hilliard, Holmes, Howard, Kennedy, Langford, Nevett, Rains, Reed and Tucker.

—18

MOTION TO SUSPEND RULE LOST

The motion offered by Rep. Manley to suspend Rule 4(4) to permit the bill, H. 170, being other than a local or general bill of local application, to be sent to the Senate, was lost, lacking a four-fifths vote.

Yeas 41; Nays 32.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Blake, Cates, Clark (G), Cosby, Crow, Dial, Dixon, Edwards, Gafford, Gilmer, Greer, Gregg, Grouby, Harrison, Harvey, Hines, Holmes, Johnson (R. G.), Kelley, Laird, McKee, McMillan, Manley, Mitchell, Olive, Owens, Penry, Ray, Riddick, Sasser, Shoemaker, Smith (C), Venable, Ward, Whatley, Wyatt and Zoghby.

—41

Nays:

Reps.: Adams (C), Bennett, Bowling, Cabaniss, Campbell, Clark (W), Cobb, Drinkard, Ford, Harper (T), Hilliard, Holley, Horn, Howard, Johnson (Roy), Kennedy, Langford, Letson, Lewis, Naramore, Nevett, Payne, Pegues, Rains, Seibels, Shavers, Smith (M), Stewart, Tucker, Turner, Turnham and Waggoner.

—32

H. 901 RECONSIDERED

Having voted on the prevailing side, Rep. Moore offered the motion to reconsider the vote by which the rules were not suspended to take up the bill, H. 901, out of order, and the motion to reconsider was adopted.

Yeas 12; Nays 1.

Yeas:

Reps.: Amari, Bennett, Cabaniss, Gafford, Horn, Lewis, Moore, Nevett, Payne, Seibels, Trammell and Waggoner.

—12

Nay: Rep. Boles.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 901. To further amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959 (Ala. Acts, 1959, p. 1376, et seq.), as heretofore amended, which Act No. 556 established a supplemental pension and relief or retirement system for firemen and policemen who are members of any pension and relief system established under Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, p. 1576, et seq.); and to provide that the amendments made by this Act to said Act No. 556 shall apply both prospectively and retroactively on and after May 2, 1978.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 13; Nays 1.

Yeas:

Reps.: Bennett, Cabaniss, Cheatwood, Gafford, Harrison, Hilliard, Horn, Moore, Nevett, Payne, Seibels, Trammell and Waggoner.

—13

Nay: Rep. Tucker.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 38. To authorize the examination of any small loan company, finance company, and other individual or person holding any license from the State Banking Department; and to authorize the Superintendent of Banks to prescribe examination fees and per diem allowance of examiners to be paid by licensees to cover expense of examinations.

Was read a third time at length and passed.

Yeas 52; Nays 6.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Blake, Bowling, Cabaniss, Campbell, Cates, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Greer, Grimsley, Grouby, Hammett, Harper (T), Harvey, Johnson (R. G.), Laird, Letson, McMillan, Minus, Mitchell, Moore, Olive, Owens, Payne, Ray, Riddick, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Ward, Whatley, Wyatt and Zoghby.

—52

Nays:

Reps.: Cheatwood, Dixon, Holmes, Kennedy, Langford and Nevett.

—6

And the bill:

S. 360. (With Amendment): To amend Section 36-30-2, Code of Alabama 1975, which compensates survivors of firemen and peace officers killed in the line of duty, so as to extend the eligibility period.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend Senate Bill 360 in Section 1, page 2, on line 11 after the word "extended" by inserting the following:

to ten years.

Further amend Senate Bill 360 in Section 1, page 2, lines 11 through 16 by deleting the remaining language in this paragraph, viz; and shall not serve as a bar to any claim supported by sworn, competent medical testimony that the cause of death was directly related to, or the result of, the performance of said duties regardless of the time interval between the injury and death of any such peace officer or fireman.

MOTION TO TABLE LOST

The motion offered by Rep. Carothers to table the amendment reported by the Standing Committee on Ways and Means to the bill, S. 360, was lost.

Yeas 23; Nays 42.

Yeas:

Reps.: Adams (H), Bedsole, Carothers, Cobb, Cosby, Drinkard, Edwards, Ford, Greer, Grimsley, Harrison, Hines, Holley, Horn, Howard, Johnson (R. G.), Letson, McMillan, Penry, Shoemaker, Smith (C), Smith (M), and Tucker.

—23

Nays:

Reps.: Adams (C), Bennett, Blake, Bowling, Cabaniss, Campbell, Cates, Clark (G), Clark (W), Coburn, Crow, Gafford, Gilmer, Gregg, Grouby, Hammett, Harper (T), Harvey, Johnson (Roy), Kennedy, Laird, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Rains, Riddick, Sandusky, Sasser, Seibels, Starkey, Stewart, Trammell, Turner, Turnham, Venable, Ward, Whatley and Zoghby.

—42

AMENDMENT ADOPTED

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, S. 360, and the amendment was adopted.

Yeas 67; Nays 5.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Blake, Bowling, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Harvey, Hines, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Letson, Lewis, McKee, McMillan, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Riddick Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Tucker, Turner, Turnham, Venable, Ward, Whatley and Zoghby.

—67

Nays: Reps.: Greer, Harrison, Horn, Nevett and Smith (M).

—5

And the bill, S. 360 as thus amended, was read a third time at length and passed.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Blake, Bowling, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hammett, Harper (T), Harrison, Harvey, Hines, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Letson, Lewis, McKee, McMillan, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turnham, Venable, Ward, Whatley, Williams, Wyatt and Zoghby.

—73

MOTION TO SUSPEND RULE LOST

The motion offered by Rep. Gafford to suspend Rule 4(4) to permit the bill, H. 271, being other than a local or general bill of local application to be sent to the Senate, was lost, lacking a four-fifths vote.

Yeas 38; Nays 34.

Yeas:

Mr. Speaker, Amari, Barton, Bennett, Blake, Bowling, Cheatwood, Clark (W), Cobb, Coburn, Crow, Daniels, Edwards, Gafford, Goodwin, Greer, Hall, Harper (T), Harrison, Harvey, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Letson, Mitchell, Moore, Naramore, Reed, Shoemaker, Smith (M), Starkey, Trammell, Tucker, Turner, Wyatt and Zoghby.

—38

Nays:

Reps.: Adams (C), Albright, Cabaniss, Campbell, Carothers, Clark (G), Cosby, Dixon, Gilmer, Gregg, Grimsley, Grouby, Hammett, Hilliard, Laird, Lewis, McKee, Manley, Nevett, Olive, Owens, Payne, Pegues, Rains, Ray, Sasser, Seibels, Smith (C), Stewart, Turnham, Venable, Ward, Whatley and Williams.

—34

RULE SUSPENDED

On motion of Rep. Manley, Rule 4(4) was suspended to permit the bill, H. 170, being other than a local or general bill of local application to be sent to the Senate.

Yeas 68; Nays 9.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Blake, Buskey, Cabaniss, Campbell, Cates, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Letson, McKee, McMillan, Manley, Moore, Olive, Owens, Pegues, Penry, Ray, Reed, Riddick, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Whatley, Wyatt and Zoghby.

—68

Nays:

Reps.: Cheatwood, Harrison, Hilliard, Lewis, Naramore, Nevett, Payne, Rains and Tucker.

—9

MOTION TO ADJOURN LOST

The motion offered by Rep. Turner that the House adjourn, was lost.

Yeas 25; Nays 57.

Yeas:

Reps.: Bedsole, Bennett, Buskey, Campbell, Carothers, Cheatwood, Clark (G), Clark (W), Coburn, Gilmer, Goodwin, Hilliard, Hines, Howard, Kennedy, Manley, Nevett, Penry, Ray, Reed, Sandusky, Starkey, Trammell, Tucker, and Turner.

—25

Nays:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Blake, Cabaniss, Cobb, Cosby, Crow, Dial, Dixon, Drinkard, Ford, Gafford, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Naramore, Olive, Owens, Payne, Pegues, Rains, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Turnham, Venable, Waggoner, Ward, Whatley, Wyatt and Zoghby.

—57

SPECIAL ORDER RESUMED

And the bill:

S. 107. To establish the "Alabama Correctional Incentive Time Act"; to provide for earned deductions from penitentiary and hard labor sentences and to establish certain criteria therefor; to create classifications for measurement of such deductions and eligibility therefor; to require minimum sentences prior to parole eligibility; to authorize the commissioner of the department of corrections to restore certain portions of such deductions lost; to authorize the commissioner to issue, promulgate and implement such rules and regulations necessary to implement the provisions of this act; to specifically repeal Sections 14-9-1, 14-9-2, 14-9-4, 14-9-20, 14-9-21, 14-9-22, 14-9-23, 14-9-24, and 14-9-25 of the Code of Alabama 1975, and all laws or parts of laws conflicting with this act; to make certain exemptions from the provisions of this act for those persons presently serving as inmates in the penitentiary or at hard labor and for those who are convicted for crimes committed prior to the effective date of this act, so as to provide that such prisoners shall earn deductions from sentences as presently provided by law; and to provide habitual offenders shall not be eligible for any deductions from sentences.

Was taken up.

AMENDMENT OFFERED

Rep. Hines offered the following amendment No. 1 to the bill, S. 107:

On page 7, Section 8, delete all the language on lines 9 and 10 and insert in lieu thereof: 1982

AMENDMENT TABLED

On motion of Rep. Smith (J), the amendment offered by Rep. Hines to the bill, S. 107, was tabled.

Yeas 52; Nays 27.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Cabaniss, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grouby, Hall, Hammett, Harvey, Kelley, Laird, Letson, Lewis, McKee, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Rains, Ray, Riddick, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stout, Turner, Waggoner, Ward, Whatley, Wyatt and Zoghby.

—52

REGULAR SESSION
28th Day

2197

Nays:

Mr. Speaker, Buskey, Campbell, Carothers, Cates, Coburn, Dial, Gregg, Grimsley, Harper (T), Hilliard, Hines, Holmes, Howard, Johnson (R. G.), Kennedy, Langford, McMillan, Nevett, Reed, Shoemaker, Stewart, Trammell, Tucker, Turnham, Venable and Williams.

—27

AMENDMENT OFFERED

Rep. Hines offered the following amendment No. 2 to the bill, S. 107:

On page 7, Section 8, delete all the language on lines 9 and 10 and insert in lieu thereof: 1981

AMENDMENT TABLED

On motion of Rep. Smith (J), the amendment No. 2 offered by Rep. Hines to the bill, S. 107, was tabled.

Yeas 54; Nays 29.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Blake, Bowling, Cabaniss, Cheatwood, Clark (G), Cobb, Cosby, Drinkard, Edwards, Ford, Gafford, Greer, Grimsley, Grouby, Hall, Harvey, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, Lewis, McKee, Manley, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Rains, Riddick, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Waggoner, Ward, Whatley, Wyatt and Zoghby.

—54

Nays:

Reps.: Bennett, Buskey, Campbell, Carothers, Cates, Clark (W), Coburn, Crow, Daniels, Dixon, Gregg, Harper (T), Harrison, Hilliard, Hines, Holmes, Howard, Kennedy, Langford, McMillan, Nevett, Penry, Stewart, Trammell, Tucker, Turner, Turnham, Venable and Williams.

—29

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 48. To amend Section 41-16-50 of the Code of Alabama 1975, relating to awarding certain public contracts involving \$2,000 or more, so as to eliminate certain circumstances under which the contract may be awarded to other than the lowest bidder.

Also:

S. 318. To establish the Alabama Human Resources Board to utilize all available manpower in the state; to provide for the membership of the board, to authorize the board to assign employable persons who receive public assistance to public works projects; to authorize the Commissioner of Pensions and Security to submit names of said persons; to establish the compensation of said persons; to provide for penalties for failure to do the assigned work; to establish criteria for those exempt from the program and provide for periodic review by the Department of Pensions and Security.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

S. 107 RESUMED

And the bill, S. 107, was read a third time at length and passed.

Yeas 74; Nays 15.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, Lewis, McKee, Manley, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Riddick, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Wyatt and Zoghby.

—74

Nays:

Reps.: Buskey, Campbell, Clark (W), Harrison, Hilliard, Hines, Holmes, Horn, Howard, Kennedy, Langford, McMillan, Reed, Tucker and Turnham.

—15

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 697. To amend Sections 40-13-2, 40-13-5 and 40-13-6 of the Code of Alabama 1975 relating to the levy and rate and deposit, disbursement and refund of the proceeds from certain coal severance taxes so as to provide that such proceeds that were formerly refunded shall be credited to the Treasury of the State General Fund.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Rep. Adams (H) offered the motion that the House non-concur in the Senate amendment to the bill, H. 697, said Senate amendment being as follows:

Amend House Bill No. 697 Page 1 Line 39, by striking out the figure "\$50" after the word "of" and insert in lieu thereof the figure "\$135"

SUBSTITUTE MOTION TABLED

On motion of Rep. Adams (H), the substitute motion offered by Rep. Johnson (Roy) that the House concur in the Senate amendment, was tabled.

Yeas 56; Nays 23.

Yeas:

Mr. Speaker, Adams (C), Albright, Bedsole, Blake, Buskey, Campbell, Carothers, Cates, Clark (G), Clark (W), Coburn, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Holley, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, McKee, Manley, Moore, Owens, Pegues, Penry, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Venable, Ward, Whatley, Wyatt and Zoghby.

—56

Nays:

Reps.: Amari, Barton, Cabaniss, Cheatwood, Cobb, Crow, Gafford, Harvey, Hilliard, Holmes, Johnson (Roy), Langford, Lewis, McMillan, Naramore, Olive, Payne, Rains, Reed, Trammell, Turner, Turnham and Waggoner.

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The question was then on the motion offered by Rep. Adams (H) that the House non-concur in the Senate amendment to the bill, H. 697, and request a Committee on Conference on the disagreement of the two Houses, and the motion to non-concur was adopted.

Yeas 60; Nays 22.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Campbell, Carothers, Cates, Clark (G), Clark (W), Coburn, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Holley, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, McKee, McMillan, Manley, Moore, Pegues, Penry, Reed, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Turnham, Venable, Ward, Whatley, Williams, Wyatt and Zoghby.

—60

Nays:

Reps.: Amari, Cabaniss, Cheatwood, Cobb, Crow, Harvey, Hilliard, Holmes, Howard, Johnson (Roy), Langford, Lewis, Naramore, Olive, Owens, Payne, Rains, Smith (C), Trammell, Tucker, Turner and Waggoner.

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COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Reps. Gregg, Naramore and Adams (H).

MOTION TO SUSPEND RULE LOST

The motion offered by Rep. Johnson (Roy) to suspend Rule 4(4) to permit the bill, H. 271, being other than a local or general bill of local application to be sent to the Senate, was lost, lacking a four-fifths vote.

Yeas 38; Nays 34.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bennett, Blake, Buskey, Cheatwood, Clark (W), Cobb, Coburn, Crow, Daniels, Drinkard, Ford, Goodwin, Greer, Hall, Hilliard, Holley, Holmes, Horn, Howard, Johnson (Roy), Kelley, Kennedy, Langford, Mitchell, Moore, Nevett, Penry, Reed, Shoemaker, Starkey, Trammell, Tucker, Turner and Wyatt.

—38

Nays:

Reps.: Adams (C), Bedsole, Cabaniss, Campbell, Carothers, Cates, Clark (G), Cosby, Dixon, Gafford, Gilmer, Grouby, Harrison, Hines, Johnson (R. G.), Laird, Lewis, McKee, Manley, Olive, Owens, Payne, Rains, Sasser, Seibels, Smith (C), Smith (M), Stewart, Turnham, Venable, Waggoner, Ward, Whatley and Williams.

—34

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. White:

S. 544. To provide that the Department of Ophthalmology of the University of Alabama School of Medicine may train any employee of the Alabama Lions Eye Bank to enucleate donor eyes and to require any such employee to comply with the provisions of the Alabama Uniform Anatomical Gift Act and the standards and regulations promulgated by the Chairman of said Department, and to grant to the Chairman of the Department the power to promulgate regulations and standards to certify said employees.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 544. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Parsons (With Notice and Proof):

S. 626. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish taken; prescribing penalties for violation of this Act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 626 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Hall (With Notice and Proof):

S. 603. Relating to Jefferson County; to authorize and empower the county commission to formulate and administer a plan whereby certain county employees may purchase up to ten years credit in the county retirement system for certain past service to the county.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 603 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 626. Local Legislation No. 2.

S. 603. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Smith and McDonald:

S. 592. Relating to Class 3 municipalities; authorizing the governing body of any such municipality to adopt an alternate structure for any planning commission created pursuant to Section 11-52-3, Code of Alabama 1975, and providing for voting requirements for adoption or amendment of any plan, quorums, approval of subdivisions, and the passage of any question before the commission, other than the adoption or amendment of any plan where such alternate structure has been adopted.

Also:

By Mr. Bailey:

S. 578. To amend Section 9, Act No. 620, H. 711, Acts of Alabama, Regular Session 1978, so as to provide that the governing body as defined in said Act, may by resolution, add to the court costs in civil and criminal cases in the circuit, district and municipal courts, a fee, not to exceed \$5.00, which would be charged and collected as other court costs in such cases and used by said governing body to provide funds to support the public corporation established by said act.

Also:

By Mr. White:

S. 627. To provide for restitution to victims of crimes by offenders; imposes penalties for default in payment by offenders; and provides for local restitution centers to be under the supervision of the department of corrections and assisted by the department of pensions and security.

Also:

By Messrs. Harrison and Cook:

S. 403. To provide a flat fee on certain vehicles using liquefied petroleum gas as fuel in lieu off an excise tax on such fuel; to provide procedures for application and payment of fees; to provide for the governing of the decal; and to provide penalties.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 592. Local Government.
- S. 578. Ways and Means.
- S. 627. State Administration.
- S. 403. Commerce and Transportation.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Vacca (With Notice and Proof):

S. 568. To amend Section 13 of Act 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) which established a pension system for employees and officers of Jefferson County, Alabama.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 568 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Vacca (With Notice and Proof):

S. 567. Relating to Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a pension system for the officers and employees of Jefferson County, Alabama; to provide that members of such pension system may elect that workmen's compensation benefits payable to them for injuries or disabilities sustained by them while serving as employees of said County may be considered as salary paid to said members by said County for the purpose of determining the amount of pension benefits payable to said members under said Act 497; to provide the conditions on which such workmen's compensation benefits may be considered as salary paid to such members by the County; to empower the Pension Board, provided for by said Act 497, to adopt rules providing for the time within which, the manner in which and the conditions on which said members may elect to exercise the said option; and to provide that no such rule adopted by the Pension Board shall become effective until the County Commission has by resolution approved such rule.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 567 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Vacca (With Notice and Proof):

S. 331. To amend Act No. 210 of the Regular Session of the Legislature of Alabama 1975 (Alabama Acts 1975, Pages 482 and 483) authorizing the governing body of any county of this state having a population of 600,000 persons or more according to the last or any subsequent Federal census to employ for and in behalf of said county five (5) administrative assistants to the said governing body to serve at the pleasure of the governing body.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 331 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 568. Local Legislation No. 2

S. 567. Local Legislation No. 2

S. 331. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Kirkland:

S. 213. To amend further sections 36-32-1 through 36-32-8 and section 36-32-11, Code of Alabama 1975, relating to the fire fighters' personnel standards and education commission, so as to provide further for the organization, powers and duties of such commission.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 213. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment.

By Messrs. Harrison and Cook:

S. 404. To amend Section 40-17-1 of the Code of Alabama 1975 relating to the definitions of motor fuel so as to exclude liquefied gas from such definitions.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 404. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Mitchem:

S. 364. To amend Sections 8-15-3 and 8-15-8, Code of Alabama 1975, which provide for the issuance of fees and insurance for public warehouses, so as to provide further for said fees and insurance.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 364. Agriculture and Forestry.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:10 P.M. on May 6, 1980.

H. 534

H. 535

H. 536

H. 537

H. 538

H. 815

H. J. R. 219

H. J. R. 233

H. J. R. 234

H. J. R. 239

H. J. R. 241

H. J. R. 242

H. 859

H. 911

H. 933

H. 988

H. 1012

H. 1019

H. 1038

H. 1039

H. 1040

H. 1041

H. 1042

H. 1043

H. 1046

H. 1058

H. 1059

H. 1060

H. 1061

H. 1062

Delivered to the Secretary of State at 4:15 P.M. on May 6, 1980.

H. 932 (Constitutional Amendment)

Delivered to the Governor at 5:15 P.M. on May 6, 1980.

H. 785

H. 906

H. 1023

H. 1024

H. 1025

H. 1044

H. 1051

H. 1052

H. 1065

H. 1078

H. 1082

H. 1087

H. 1048

H. 1049

H. 1057

H. 1071

H. 1072

H. 1090

H. 1091

H. 292

H. 340

H. 576

H. 654

Delivered to the Governor at 10:15 P.M. on May 6, 1980.

H. 744 (Executive Amendment)

H. 904

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Delivered to the Governor at 11:59 P.M. On May 6, 1980:

H. 523

H. 293

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Manley and pursuant to the resolution, H. R. 275, heretofore adopted, the House adjourned until 11:00 o'clock a.m., Thursday, May 8, 1980.

Yeas 47; Nays 31.

Yeas:

Mr. Speaker, Bedsole, Bennett, Blake, Buskey, Cabaniss, Campbell, Cates, Cheatwood, Clark (G), Coburn, Daniels, Dixon, Drinkard, Edwards, Ford, Goodwin, Greer, Grimsley, Hammett, Harper (T), Hilliard, Hines, Holley, Horn, Howard, Johnson (Roy), Kelley, Kennedy, Laird, Langford, McKee, Manley, Moore, Nevett, Olive, Penry, Sandusky, Sasser, Shoemaker, Smith (J), Starkey, Tucker, Turner, Whatley, Williams and Zoghby.

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Nays:

Reps.: Adams (C), Amari, Barton, Bowling, Carothers, Cobb, Cosby, Crow, Dial, Gafford, Grouby, Hall, Holmes, Johnson (R.G.), Lewis, McMillan, Mitchell, Owens, Payne, Pegues, Rains, Riddick, Seibels, Smith (C), Smith (M), Stewart, Trammell, Turnham, Venable, Waggoner and Wyatt.

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